The City Council of the City of Raleigh met in regular session on Tuesday, August 2, 1983, at 1:00 p.m., in the Council Chamber, Room 315 of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Upchurch
Mr. Walters

Mayor York called the meeting to order and invocation was rendered by the Reverend Edgar Byers, Pastor of Western Boulevard Presbyterian Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CONTRIBUTION - RALEIGH SKI AND OUTING CLUB - RECEIVED - ORDINANCE ADOPTED

Mayor York announced the City had received a contribution from the Raleigh Ski and Outing Club, Inc., to the Raleigh Greenway Commission in the amount of $200. He indicated the contribution reflects the organization's appreciation for the work of the Greenway Commission and the activities of the City in greenway preservation.

ORDINANCE NO. 1983-155

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget Ordinance be amended to reflect a contribution from the Raleigh Ski and Outing Club, Inc., to the Raleigh Greenway Commission:

INCREASE:

Revenue:	01-1-1170-200	Miscellaneous Income	200.00

INCREASE:

Expense:	01-2-1220-252	Greenway Commission	200.00

Adopted: 8/2/83

COMMENDATION - JAMES R. GRAHAM

Mayor York recognized James R. Graham, outgoing Chairman of the City Planning Commission. Mr. Graham was presented with a Proclamation of Appreciation. Mayor York indicated he was appointed as a member of the Planning Commission on March 14, 1978, as Chairman on December 10, 1979, and re-elected as Chairman in 1980, 1981 and 1982. He expressed appreciation for Mr. Graham's thoughtful guidance during a period of rapid growth and indicated the Council appreciates the many hours put into this difficult task.

RALEIGH TOMORROW FORUM - COMMENTS RECEIVED

Mayor York indicated the Raleigh Tomorrow Forum held the previous Thursday was very successful and was a very outstanding event and felt participants got a great deal out of their attendance. He indicated the Task Force did a tremendous job and felt it is important that the event be recognized as significant. He noted he had every confidence that Ms. Babb and Mr. Keller, as leaders of that Committee, will continue to do very fine work and present to Council recommended strategies as a result of the conference and meetings they have had.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He indicated if a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor York explained on Page 3, Item 4, relating to the Community Development Rehabilitation Loan should be withdrawn. Without objection, the item was withdrawn to be brought forward at a later date.

Mayor York noted the vote on the Consent Agenda would be a roll call vote. Mr. Upchurch REQUESTED THAT THE ITEM RELATING TO THE PROPOSED RESOLUTION OF COMMITMENT REGARDING AIR QUALITY BE WITHDRAWN. Without objection, the item was withdrawn. Mr. Upchurch MOVED THAT ADMINISTRATION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

BUSINESS LICENSE APPLICATION - RALEIGH HILTON - APPROVED

This is an application for a privilege license for "Raleigh Hilton," located at 1707 Hillsborough Street. The manager, Robert Melvin Fryman, is the individual making application. City Code Sections 2-2032(2), (3), (5), and 12-2118(3) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center.

Inspections and Police reports indicate approval.

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

NORTH CAROLINA SYMPHONY - LIGHTING REQUEST - IMPROVEMENTS APPROVED - FUNDS APPROPRIATED

At its July 19, 1983, meeting, the City Council reviewed a request from the North Carolina Symphony that the City consider improvements to the stage lighting at the Auditorium. The cost of the proposed facilities was estimated to be $3,700 and Administration was requested to evaluate this proposal.

Recommendation:

It is recommended that the City Council approve the undertaking of these improvements and authorize the following Budgetary Fund Transfer:

From:		
40-2-1000-100	Council Reserve- Civic Center- Bond Fund	$ 3,700.00
To:		
40-2-1900-101	M. A. Stage Lighting- Civic Center- Bond Fund	$ 3,700.00

Consent Agenda approval - Upchurch/Edwards - 8 ayes. (See Resolution 302 TF 5).

BUS SHELTER EASEMENT AGREEMENTS - MAYOR AUTHORIZED TO SIGN

The need exists to locate two Capital Area Transit shelters on State property. These shelters are on Wilmington Street at Lane Street and on Salisbury Street at Lane Street. The State is agreeable to granting an easement for these facilities but requires an agreement to be signed by the City and State.

Recommendation:

It is recommended that the Mayor be authorized to execute an agreement with the State of North Carolina to provide for the location of these two shelters.

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BRENTWOOD AREA SPECIAL USE PERMIT - CITIZEN COMPLAINT - INFORMATION RECEIVED

At the July 19, 1983, Council Meeting, an individual representing Concerned Citizens of Brentwood presented a complaint relative to a day care center located on Huntleigh Drive. Administration was requested to review the specific complaints submitted by the residents and provide a report to Council.

This facility is operating under a Special Use Permit issued by the Board of Adjustment in 1974 and reviewed in 1975. Council Members will have a staff report in the Agenda packets. According to the staff evaluation, the business is being operated in accordance with the conditions stipulated by the Board of Adjustment at the time the permit was issued.

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BUDGET - POST YEAR-END ACTION - BUDGET AMENDMENTS ADOPTED

During the final month of the previous fiscal year, several projects were identified which could not be completed prior to June 30. In those cases, special revenues were established so that they could be accommodated in Fiscal Year 1983-84. To provide for the execution of these projects, it is now necessary to make a budget amendment.

Recommendation:

It is recommended that the following budget amendments be approved:

General Fund

Increase Revenue:		
01-1-0090-220	Appropriated Fund Balance	$15,276.43

Increase Expenditures:		
01-2-1100-703	Photocopy Equipment	$ 2,500.00
01-2-3010-700	Office Equipment	6,000.00
01-2-1040-300	Fiscal Strength Committee	3,780.06
01-2-4110-233	Equipment M&O	2,996.37
		$15,276.43

Utility Fund

Increase Revenue:		
06-1-0090-220	Appropriated Fund Balance	$50,000.00

Increase Expenditures:		
06-2-7060-618	Jet Truck	$50,000.00

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. 1983-156

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget Ordinance be amended as follows to provide for execution of projects which could not be completed prior to the June 30, 1983, close out and special revenues were established so that they could be accommodated in the Fiscal Year 1983/84:

GENERAL FUND

Increase Revenue:		
01-1-0090-220	Appropriated Fund Balance	$15,276.43

Increase Expenditures:		
01-2-1100-703	Photocopy Equipment	$ 2,500.00
01-2-3010-700	Office Equipment	6,000.00
01-2-1040-300	Fiscal Strength Committee	3,780.06
01-2-4110-233	Equipment M&O	2,996.37
		$15,276.43

UTILITY FUND

Increase Revenue:		
06-1-0090-220	Appropriated Fund Balance	$50,000.00

Increase Expenditures:		
06-2-7060-618	Jet Truck	$50,000.00

Adopted: 8/2/83

BUDGET AMENDMENT - POLICE BASKETBALL LEAGUE - APPROVED - ORDINANCE ADOPTED

The following budget amendment is recommended to be established to provide funding for a summer basketball league being sponsored by the Police Department:

Revenue:		
19-1-8500-101	Fees	$ 360.00
19-1-8500-220	Prior Reserve	46.00
		$ 506.00

Expenditures:		
19-2-8500-200	Insurance	$ 200.00
19-2-8500-279	Trophies	306.00
		$ 506.00

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. 1983-157

AN ORDINANCE TO AMEND THE 1983/84 BUDGET ORDINANCE

Section 1. That the 1983/84 Budget Ordinance be amended as follows to reflect the establishment of a budget for the Police Basketball League which first surfaced late last year:

Increase Revenues:

19-1-8500-101	Fees	$ 360.00
19-1-8500-220	Prior Reserve	146.00

Increase Expenditures:

19-2-8500-200	Insurance	200.00
19-2-8500-279	Trophies	306.00

Adopted: 8/2/83

PRIVILEGE LICENSES - REFUND REQUESTS - APPROVED

Administration has verified that the following are valid requests:

a. Mr. Robert C. Emanuel, Jr., representing Berry-Cockran and Company, located at 1836 Wake Forest Road, has given written request for a refund of $50 for the 1982-83 privilege license year. The reason for this request is that his business did not begin operation until after January 1, 1983.

b. Ms. Carol Waters, Accountant, Raleigh Region, representing McDonald's Corporation, has given written request for a refund of $77.50 for a 1983-84 privilege license tax. The reason for this request is that it has just been discovered that this location, 4028 South Wilmington Street, is located outside the City limits.

c. Mr. Steve Murray, owner of Murray and Associates, located at 1330 Mordecai Drive, has given written request for a refund of $135 for the 1981-82 and 1982-83 privilege license years. The reason for this request is that North Carolina General Statute (105-41) prohibits cities from levying a tax on photographers.

Recommendation

It is recommended that the requests for refund be approved.

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

INFORMATION ITEMS - MANAGER'S ACTIONS UPHELD

a. Rent-free Use of Civic Center

Approval has been granted for the rent-free use of the Civic Center for the Golden Years Christmas Banquet on December 13 (rehearsal) and December 14.

b. City Manager's Approval of a CETA OJT Contract

On July 18, 1983, the Assistant City Manager for Operations signed a contract with Superior Security Company, which provides training for three persons. The contract period is for one and one-half (1½) months and will have a total CETA cost of $1,218.

c. Update on Request by Council for Guidelines for Creedmoor Road Development

At the Council Meeting on May 17, 1983, the Council requested that Administration bring guidelines to the Council as to how to handle the section of Creedmoor Road development particularly as it relates to the residential frontage lots to the north of the property covered in application Z-54-83.

The Council Members received in their Agenda packets a memo from the Planning Director regarding this request.

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRANSFERS - WITHIN VARIOUS ACCOUNTS - RESOLUTION AND ORDINANCE ADOPTED

The Agenda presented a list of recommended transfers within various accounts and appropriations from contingencies for purposes as set out. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AND APPROPRIATIONS. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 302 TF 5

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 18-2-1000-001	Contingency	$ 1,000.00
To 18-2-9920-103	Refunds	1,000.00

Purpose: Provide funds for refunding overcollected revenues.

From 40-2-1000-100	Council Reserve - Civic Center Bond Fund	$ 3,700.00
To 40-2-1900-101	M.A. Stage Lighting	3,700.00

Purpose: Improvements to stage lighting at Memorial Auditorium.

From 34-2-3805-100	Municipal Complex	$ 1,996.11
To 34-2-3805-105	Plumbing	603.00
To 34-2-3805-104	Misc.	1,393.11

Purpose: New Municipal Building - Change Order P-1 - Triangle Mechanical Associates.

From 34-2-3805-100	Municipal Bldg. Complex	$80,000.00
From 34-2-3805-100	Municipal Bldg. Complex	4,000.00
To 34-2-3810-102	Mun. Bldg. Parking Deck	80,000.00
To 34-2-3810-104	Mun. Bldg. Parking Deck - Misc.	4,000.00

Purpose: To increase funds for A/E contract from $200,000.00 based on 7.8% x $2,532,000.00 preliminary estimate to $280,000.00 based on final estimate of $3,567,500.00. Increase miscellaneous to $12,000.00 from $8,000.00 for testing, advertising, printing and mailing.

From 35-2-1000-100	Reserve for Council Projects	$30,000.00
To 35-2-4000-103	Wake Forest Road R/W	30,000.00

Purpose: Additional funds for r/w acquisition.

From 01-3-3100-123	Surplus Reserve Retirement Credits	$ 1,998.00
To 01-2-1040-410	Retirement Credits	1,998.00

Purpose: Funding credits to retirement from a reserve account established for that purpose.

ORDINANCE NO. (1983) 158 TF 2

AN ORDINANCE TO AMEND THE 1983/84 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $43,049.35 of the General Fund Contingency, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1983/1984 budget ordinance as follows:

$6,569.35 to Code Account 39-2-7110-300, Zuchelli, Hunter - to close out the general consultation contract with Zuchelli, Hunter & Associates.

$12,380.00 to Code Account 01-2-1220-283, Aerial Mapping, to provide adequate funding to complete the topographic mapping project and reallocate funds not expended in FY 82-83 which were designated for this project.

$4,100.00 to Code Account 01-2-4110-282, Training Supplies ($1,600.00) and to Code Account 01-2-4110-265, Other Services ($2,500.00) to provide funds for recruitment and testing new firefighters.

$20,000.00 to Code Account 01-2-9920-103, Refunds, to provide funds for refunding overcollected revenues.

Section 2. That $25,000.00 of the Public Utilities Fund Contingency, Code Account 06-2-7100-002, is hereby transferred from that appropriation and added to the appropriations made in the 1983/1984 budget ordinance as follows:

$25,000.00 to Code Account 06-2-9920-103, Refunds, to provide funds for refunding overcollected revenues.

Adopted: 8/2/83

BIDS - CITY OF RALEIGH ANNUAL PAVING CONTRACT - BID AWARDED TO C. C. MANGUM, INC.

Pursuant to advertisement as required by law, sealed bids were received at 10:00 a.m. on July 14, 1983, for the City of Raleigh Annual Paving Contract PW 1983-1 with results as follows: C. C. Mangum, Inc. - $464,502.70 and REA Construction Company - $628,890.28. ADMINISTRATION RECOMMENDS THE AWARD BE MADE TO THE LOW BIDDER, C. C. MANGUM, INC. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BID REQUEST 83-8 - SAFETY SHOES - BID AWARDED TO SAF-GUARD SAFETY SHOE COMPANY, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on July 25, 1983, for approximately 800 pairs of safety shoes with results as follows: Saf-Guard Safety Shoe Company - $28,700; McDowell Safety Shoe Service - $28,720; and W. E. Burroughs Company, Inc. - $29,080. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY SAF-GUARD SAFETY SHOE COMPANY, INC., BE AWARDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BID REQUEST 83-9 - COPPER TUBING - BID AWARDED TO FERGUSON ENTERPRISES

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on July 25, 1983, for the purchase of 18,000 feet of copper tubing with results as follows: Ferguson Enterprises, Inc. - $12,900 (-2%); Interstate Manufacturing and Supply - $12,968; and Noland Company - $13,348.50. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY FERGUSON ENTERPRISES BE AWARDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BID REQUEST 83-10 - REFUSE COLLECTION OF 40-45 YARD ROLL-OFF CONTAINERS - BID AWARDED TO BROWNING-FERRIS INDUSTRIES OF SOUTH ATLANTIC, INC. - MAYOR AUTHORIZED TO SIGN CONTRACT

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on July 25, 1983, for refuse collection of 40-45 yard roll-off containers with results as follows: Browning-Ferris Industries of South Atlantic, Inc. - $42.90 per haul; Waste Industries, Inc. - $56.35 per haul (contract period: August 10, 1983 through August 9, 1984). ADMINISTRATION RECOMMENDS THE BID SUBMITTED BY BROWNING-FERRIS INDUSTRIES OF SOUTH ATLANTIC, INC., BE AWARDED AND THE MAYOR AUTHORIZED TO SIGN THE CONTRACT. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRAFFIC - NORTH BOULEVARD - ORDINANCE ADOPTED

The Agenda presented a recommended change in the Traffic Code relating to no U-turns on North Boulevard and Highwoods Boulevard. ADMINISTRATION RECOMMENDS APPROVAL. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. 1983-159

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 7 entitled "U TURNS PROHIBITED" be amended by adding the following:

North Boulevard southbound at Highwoods Boulevard.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective August 9, 1983.

Adopted: 8/2/83

Effective: 8/9/83

END OF THE CONSENT AGENDA

AIR QUALITY - RESOLUTION OF COMMITMENT ADOPTED - ADMINISTRATION TO MAKE NINETY-DAY STATUS REPORT

During the past several years, the State has maintained an air quality monitoring station on South Wilmington Street. The City has been notified that periodic readings at this location indicated that the air quality levels exceeded the Federal standards. Administration has been working with the State to address these conditions. It would be appropriate at this time for the Council to consider a policy resolution supporting efforts to bring this location into compliance with Federal carbon monoxide standards.

Recommendation:

It is recommended that the Council adopt a Resolution of Commitment concerning this item. (A copy of the proposed resolution was in the Council Agenda packets.)

Mr. Upchurch questioned why this particular place was selected and noted Charlotte has very rigid inspections of vehicles. He questioned if the resolution as proposed will clear up the matter, what can be done beyond this and why EPA selected this particular site. He indicated he was concerned that we do what is necessary.

City Manager Zachary indicated various members of the staff have had many meetings with the State and EPA on this matter, and the Clean Air Act permits the State or EPA to pick any location in any community. He noted if they get one machine that had the reading in excess of the maximum limit, it triggers a tremendous activity of the whole Clean Air Act. He indicated the purpose of the resolution is to try to get out in front and assure everyone we want to work with the "powers that be" to protect our air and felt this is a positive way to address the situation. In response to questioning, Mr. Zachary indicated the State does not have a lot of experience in this, and they are willing and want to work with the City on this.

Mr. Jordan indicated this is a positive step moving toward solving the problem and questioned how it could be monitored. Administration was directed to report back to the Council in ninety days.

Following discussion, Mr. Upchurch MOVED APPROVAL OF THE RESOLUTION WITH A NINETY-DAY REPORT BACK TO THE COUNCIL. His motion was seconded by Mr. Keller and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 301

WHEREAS, the City of Raleigh has always enjoyed an attractive environment and a high quality of life; and,

WHEREAS, the City Council is committed, on behalf of the citizens of Raleigh, to maintain these attributes; and,

WHEREAS, national standards have been established defining maximum carbon monoxide levels; and,

WHEREAS, there have been localized exceedences of Federal carbon monoxide standards at the intersection of Wilmington and Martin Streets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

That the Raleigh City Council is committed to take necessary and appropriate steps in cooperation with the North Carolina Division of Environmental Management to bring this location into compliance with Federal carbon monoxide standards.

Adopted: 8/2/83

Effective: 8/2/83

SPECIAL ITEMS

CABLE ADMINISTRATION - RALEIGH CABLE COMMISSION APPROVED - ARTICLES OF INCORPORATION FOR RALEIGH CABLE ACCESS CORPORATION - REFERRED TO LAW AND FINANCE COMMITTEE

The Agenda indicated during the July 5, 1983, Council Meeting, the Council reviewed a proposed ordinance setting up the Raleigh Cable Commission and Articles of Incorporation for the Raleigh Cable Access Corporation. It was agreed to defer action on these two items until selection of the Cable Administrator is completed, but it was agreed that the item be placed on this Agenda for reevaluation and consideration.

City Manager Zachary reported he has made a tentative offer to an applicant who will be in Raleigh later this week for them to try to reach a final agreement. Mr. Zachary noted this person has recommended if the Council wants to act on this Cable Access Corporation, any mention of control of the institutional net should be removed pending further study.

Following brief discussion, Mr. Jordan MOVED APPROVAL OF THE CABLE COMMISSION AND THAT THE ARTICLES OF INCORPORATION FOR THE RALEIGH CABLE ACCESS CORPORATION BE REFERRED TO THE LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Keller and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 167

AN ORDINANCE TO ESTABLISH THE RALEIGH TELECOMMUNICATIONS COMMISSION

WHEREAS, the City of Raleigh has recently enacted a modern minimum standards ordinance for the provision of cable television service to the citizens of Raleigh; and

WHEREAS, the City has awarded one franchise for cable service and may award additional franchises in the future; and

WHEREAS, the current explosion in the field of communications and information technology will surely have a great effect on the operations of the City and the provision of services to the public; and

WHEREAS, it is the consensus of the Raleigh City Council that a commission is needed to advise the Council on communication matters and to assist in the administration of the cable franchises issued by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. There is hereby enacted a new part of the City Code enumerated as "Part 9, Chapter 9--"Raleigh Telecommunications Commission" and to read as follows:

"Section 9-9001 COMMISSION CREATED

There is hereby created the Raleigh Telecommunications Commission, of such composition and having the powers and duties herein provided.

Section 9-9002 MEMBERSHIP

The Raleigh Telecommunications Commission (hereinafter referred to as the "Commission") shall be composed of nine (9) members, including a chairman, such members and chairman to be named by the City Council.

Section 9-9003 TERMS OF MEMBERS

The term of office of members of the Commission shall be two (2) years, except that of the nine (9) initial appointments, four (4) shall be for one (1) year terms (not to include the chairman); thereafter all appointments shall be for two (2) years.

Section 9-9004 POWERS AND DUTIES

The responsibilities and powers of the Commission shall include:

1. Monitoring the performance of all grantees to determine whether the grantees are complying with their respective franchise obligations.

2. Making or causing to be made such reasonable inspections, tests and demonstrations of the grantees' systems as the Commission deems necessary in order to protect the public health, safety and welfare and to assure the adequate operation of the various grantees.

3. To take the necessary steps to cure franchise violations it discovers by invoking the penalty provisions of the City's minimum cable television standards ordinance or by recommending the revocation of franchise agreements in extreme cases. Before levying any penalties, the Commission shall establish and promulgate sufficient rules and regulations to assure the due process interests of the franchisees, the City and the public are protected. These rules may allow for the initial invocation of fines and penalties to be made by the cable administrator with appeal to the Commission. All such rules and regulations must be approved by the City Council before becoming effective.

4. To make recommendations to the Council regarding the renewal, termination and forfeiture of franchises; the exercise of buyout authority; and the transfer of system ownership or control.

5. To evaluate each grantee's system not less than every five years, and based on the evaluation, issue a report to the Council containing recommendations for the City.

6. To monitor the manner in which the corporation charged with operation of the institutional and access networks is conforming with the intent of the cable standards ordinance and the specific franchise agreements in force.

7. To review and, as appropriate, audit all reports filed by grantees with the City. The Commission may require any grantee to prepare and file additional reports as necessary or desirable to carry out its duties. After consultation with affected grantees, the Commission may adopt regulations establishing the form of reports to be filed with the City; the place at which filings are to be made; and criteria and procedures for the protection of the material contained in the reports that is not open for public disclosure.

8. To receive and investigate any unresolved complaint about a grantee's service filed with the Commission or referred to the Commission by the office of cable communications. After consultation with the affected grantees, the Commission may adopt regulations establishing methods and procedures to ensure that complaints have recourse to a satisfactory hearing and method for settling complaints.

9. To use its regulatory powers in order to bring about and guide the development of systems in the City in a manner that will be in the public interest, with particular emphasis on non-entertainment cable communication services for homes, businesses and institutions and on new and innovative services.

10. To coordinate, as necessary and desirable, the interconnection of the systems of grantees with each other, with systems of the City, and with systems outside the City, provided, however, that the Commission may not require any grantee to interconnect to a system without Council approval. The Commission may cooperate with other governmental units in the supervision of the interconnection of systems.

11. To prepare an annual report for inclusion in the budget request of the Commission. The report shall cover activities of the Commission during the past year; planned activities of the Commission during the upcoming year; the general performance of grantees; the development and use of systems within the City; any recommendations of the Commission; and such other matters as the Commission may deem appropriate.

12. To use officers, employees, and facilities of the City on such a basis as may be agreed to by the City Manager.

13. To develop budgets for its operation for approval by City Council and to exercise authority hereby granted in conformance with such approved budget. No power or duty herein enumerated shall be exercised or carried out except consistently with and according to the approved budget.

Section 9-9005 COMMISSION STAFF

The City Manager shall provide staff to the Commission to assist in its duties. The City Manager may meet this obligation by establishing an Office of Cable Communications headed by a cable administrator directly responsible to and supervised by the City Manager.

Section 9-9006 through Section 9-9020 " RESERVED"

Section 2. All ordinances and clauses of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Adopted: 8/2/83

Effective: 8/2/83

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda, indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Edwards REQUESTED THAT HE BE EXCUSED FROM PARTICIPATION IN CR-2041 (Z-73-83) AND CR-2052 (Z-86-83). Without objection, Mr. Edwards was excused from participating in these two items. Mr. Upchurch REQUESTED THAT CR-2051 (Z-83-83) BE WITHDRAWN. Without objection, this item was withdrawn from the Consent Agenda.

Reverend Calloway MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATIONS ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Upchurch with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Planning Commission Consent Agenda were as follows:

S-82-83 - BROADLANDS CLUSTER DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval for a cluster development consisting of 194 detached units and 134 attached units (328 total) on 57.7 currently undeveloped acres, zoned Residential-6.

The property is located on the south side of Trawick Road, just east of U.S. 1 North, and west of Marsh Creek Road, outside the City Limits.

CR-2014 from the Planning Commission recommends that this request be approved according to a map entitled, "Broadlands Cluster Development," the property of Edd K. Roberts, drawn by Paton, Kays & Zucchino, PA, dated June 2, 1983, with the following conditions: (1) That the improvements be made to Trawick Road (one-half [½] of a 41-foot back-to-back street), and (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Calloway/Upchurch - 8 ayes.

S-88-83 - TYSONS CORNER CLUSTER DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to construct a 55-unit cluster development on 10.04 acres, zoned Residential-6. The site is currently developed with several triplexes and duplexes.

The property is located on the south side of Ed Drive, just east of Blue Ridge Road, inside the City Limits.

CR-2016 from the Planning Commission recommends that this request be approved according to a map entitled, "Tysons Corner Cluster Development," the property of White Oak Properties, Inc., drawn by Paton, Kays & Zucchino, PA, dated June 1, 1983, with the following conditions: (1) That street improvements or suitable bond be made for Ed Drive and Blue Ridge Road, in conformance with City Collector Street Plans; (2) that the State agrees to realign Secondary Road 1773 and abandons all excess right-of-way; and (3) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Calloway/ Upchurch - 8 ayes.

S-99-83 - CARLTON ESTATES REVISION - APPROVED

This was a request for approval to subdivide a 4.24 acre parcel which is currently undeveloped and rezoned Residential-4 into two (2) lots.

The property is located on the east side of Leesville Road, just south of Sprague Road, outside the City Limits.

CR-2037 from the Planning Commission recommends that this request be approved according to a map entitled, "Carlton Estates Revision," the property of Carl Shibica, drawn by Glenn D. Ward and Associates, dated July 5, 1983. Consent Agenda approval - Calloway/Upchurch - 8 ayes.

S-107-83 - RUTH B. SMITH PROPERTY REVISION - APPROVED

This was a request for approval to subdivide a 12.8 acre tract into six (6) lots, zoned Office and Institution-I (4.2 acres) and Residential-4 (8.6 acres). The site is currently developed with a single-family unit.

The property is located at the southeast corner of Creedmoor Road (NC 50) and Strickland Road, outside the City Limits.

CR-2038 from the Planning Commission recommends that this request be approved according to a map entitled, "Ruth B. Smith Property Revision," the property of Ruth B. Smith, drawn by Geoffrey McLean and Company, dated July 1, 1983. Consent Agenda approval - Calloway/Upchurch - 8 ayes.

SC-201 - CREEDMOOR CROSSINGS SIGN CRITERIA REVISIONS - DENIED

This was a request for approval to revise the currently approved sign criteria at Creedmoor Crossings to allow Exxon to use their standard sign package. This request is for only this one use. The site is zoned Shopping Center and is partly developed.

The property is located at the northwest corner of Creedmoor Road (NC 50) and Leesville Road, outside the City Limits.

CR-2039 from the Planning Commission recommends that this request be denied according to a map entitled, Creedmoor Crossings Sign Criteria Revisions," the property of Exxon Company, U.S.A., drawn by Exxon Company, U.S.A., dated June 23, 1983. Consent Agenda approval - Calloway/Upchurch - 8 ayes.

TC-231 - TOWNHOUSE TRIANGULATION - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-2075(d)(3)(a) under "Group Housing Development Standards."

CR-2040 from the Planning Commission recommends that TC-231, as amended, be adopted according to the ordinance attached to Certified Recommendation 2040. Consent Agenda approval - Calloway/Upchurch - 8 ayes.

ORDINANCE NO. (1983) 160 TC 191

AN ORDINANCE TO PERMIT SINGLE DETACHED AND TWO ATTACHED RESIDENTIAL CONDOMINIUM AND TOWNHOUSE DWELLINGS TO USE FIXED SETBACKS IN LIEU OF TRIANGULATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. Section 10-2075(d)(3)a of the Raleigh City Code is amended to add a new paragraph, said paragraph to follow the first paragraph of 10-2075(d)(3)a, and it shall read as follows:

"In lieu of the above, the side yards of single detached or two attached residential dwellings shall be no less than the aggregate of fifteen (15) feet. No side yard shall be less than ten (10) feet, unless approved as a zero interior lot line setback in a townhouse development. The maximum allowable area within which a building may be constructed according to this paragraph shall be shown on the final plat required in chapter three of this part.".

Section 2. Section 10-3073(b)(3) of the Raleigh City Code is amended to add a new subsection, g, said subsection to follow 10-3073(b)(3)f, and it shall read as follows:

"g. A perpetual access easement over the adjoining lot must be recorded for any residential unit located closer than five (5) feet from a lot line.".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 7. This ordinance shall become effective five days following its adoption.

Section 8. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Adopted: 8/2/83

Effective: 8/7/83

Z-73-83 - LITCHFORD ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 37 acres from Residential-4 to Residential-6.

The property is located on Litchford Road, west side, between Gresham's Lake Road and Falls of Neuse Road and at the present end of Harps Mill Road.

CR-2041 from the Planning Commission recommends that Z-73-83 be approved as amended; that is, that the portion of the property below the proposed Outer Belt Loop be rezoned to Residential-6 as requested but that the property contained in the proposed Outer Belt Loop and to the northeast remain Residential-4 (be denied). Consent Agenda approval - Calloway/Upchurch - 7 ayes (Mr. Edwards excused). (See Ordinance 161 ZC 123.)

Z-74-83 - PERRY CREEK ROAD - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 104 acres from Industrial-I to Residential-6 (98 acres), Conservation/Buffer to Residential-6 (2 acres), Residential-4 to Residential-6 (2 acres) and Industrial-I to Conservation/Buffer (1.6 acres, being a 40-foot strip along the northern side of the request).

The property is located on Perry Creek Road, south side, between U.S. 1 North and Berkshire Downs Subdivision.

CR-2042 from the Planning Commission recommends that Z-74-83 be approved as requested. Consent Agenda approval - Calloway/Upchurch - 8 ayes. (See Ordinance 161 ZC 123.)

Z-76-83 - WAKE FOREST ROAD - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 10 acres from Residential-6 to Office and Institution-I.

The property is located on Wake Forest Road, east side, between Navaho Drive and New Hope Church Road.

CR-2044 from the Planning Commission recommends that Z-76-83 be approved as requested. Consent Agenda approval - Calloway/Upchurch - 8 ayes. (See Ordinance 161 ZC 123.)

Z-77-83 - RALEIGH BELTLINE - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 20.76 acres from Residential-4 (.20 acre), Conservation/Buffer (.25 acre), Office and Institution-III (13.31 acres) and Residential-4 (7.0 acres) to Office and Institution-II.

The property is located on the Raleigh Beltline, north side, between St. Albans Drive and Quail Hollow Drive (Extension).

CR-2045 from the Planning Commission recommends that Z-77-83 be approved as requested. Consent Agenda approval - Calloway/Upchurch - 8 ayes. (See Ordinance 161 ZC 123.)

Z-78-83 - FOREST RIDGE ROAD - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.88 acres from Residential-6 to Office and Institution-I.

The property is located on Forest Ridge Road, north side, between Wake Forest Road and the railroad.

CR-2046 from the Planning Commission recommends that Z-78-83 be approved as requested. Consent Agenda approval - Calloway/Upchurch - 8 ayes. (See Ordinance 161 ZC 123.)

Z-80-83 - RONALD DRIVE - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately four (4) acres from Residential-6 to Neighborhood Business.

The property is located on Ronald Drive, north side, east of Wake Forest Road.

CR-2048 from the Planning Commission recommends that Z-80-83 be approved as requested. Consent Agenda approval - Calloway/Upchurch - 8 ayes. (See Ordinance 161 ZC 123.)

Z-81-83 - BLAND ROAD - DENIED

This was a request for approval to rezone approximately 17 acres from Office and Institution-III to Office and Institution-I.

The property is located on Bland Road, west side, between Steinbeck Drive and Pemberton Drive.

CR-2049 from the Planning Commission recommends that Z-81-83 be denied. Consent Agenda approval - Calloway/Upchurch - 8 ayes.

Z-82-83 - WAKE FOREST ROAD - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .39 acre from Office and Institution-III to Neighborhood Business.

The property is located on Wake Forest Road, east side, between Ronald and Honeysuckle Drives.

CR-2050 from the Planning Commission recommends that Z-82-83 be approved as requested. Consent Agenda approval - Calloway/Upchurch - 8 ayes. (See Ordinance 161 ZC 123.)

Z-86-83 - LYNN ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 10 acres from Residential-4 to Residential-15.

The property is located on Lynn Road, north side, between Six Forks Road and Bent Creek Drive.

CR-2052 from the Planning Commission recommends that Z-86-83 be approved as amended; that is, that the property contained in Z-86-83 be rezoned to Residential-10. Consent Agenda approval - Calloway/Upchurch - 7 ayes (Mr. Edwards excused). (See Ordinance 161 ZC 123.)

Z-88-83 - SIX FORKS ROAD - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately three (3) acres from Residential-4 to Office and Institution-III.

The property is located on Six Forks Road, east side, north of Crown Oaks Drive.

CR-2053 from the Planning Commission recommends that Z-88-83 be approved as requested. Consent Agenda approval - Calloway/Upchurch - 8 ayes. (See Ordinance 161 ZC 123.)

TC-243 - STREET AND UTILITY REIMBURSEMENTS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to modify Section 10-3022 (Subdivisions), subsection (b), to encourage street and utility contract executions at the earliest time possible in order to avoid payment delays.

CR-2054 from the Planning Commission recommends that TC-243, as presented, be approved according to the ordinance attached to CR-2054. Consent Agenda approval - Calloway/Upchurch - 8 ayes.

ORDINANCE NO. (1983) 162 TC 192

AN ORDINANCE TO AMEND STREET AND UTILITY REIMBURSEMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. The second sentence of Subsection 10-3022(b) of the Raleigh City Code is amended to add immediately before the semicolon appearing therein the following words:

"or contract execution, whichever is later.".

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the City Administration.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect, and to this end, the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 6. This ordinance shall become effective five days following its adoption.

Section 7. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Adopted: 8/2/83

Effective: 8/7/83

END OF PLANNING COMMISSION CONSENT AGENDA

Z-83-83 - FALLS OF NEUSE ROAD - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.8 acres from Residential-20 to Shopping Center.

CR-2051 from the Planning Commission recommends that Z-83-83 be approved as requested.

Mr. Jordan MOVED THAT THE COUNCIL UPHOLD THE RECOMMENDATION OF THE PLANNING COMMISSION. Mr. Upchurch indicated he had this item removed from the Consent Agenda as he desired to vote no as he has consistently voted against the proliferation of shopping centers on Falls of Neuse Road.

Mr. Jordan's motion was seconded by Reverend Calloway and passed with members voting: Ayes - Ms. Babb, Reverend Calloway, Mr. Edwards, Mr. Jordan, Mr. Keller, Mr. Walters and Mayor York; Noes - Mr. Upchurch. THE MAYOR RULED THE MOTION ADOPTED. (See Ordinance 161 ZC 123.)

Z-75-83 - OLD WAKE FOREST ROAD - APPROVED AS REQUESTED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 4.18 acres from Residential-4 (1.6 acres) and Residential-10 (2.6 acres) to Office and Institution-I.

CR-2043 from the Planning Commission recommends that Z-75-83 be approved as requested.

Planning Commission Chairman Woodlief presented CR-2043. Mr. Edwards MOVED THAT THE RECOMMENDATION OF THE PLANNING COMMISSION BE UPHELD. His motion was seconded by Reverend Calloway and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED. (See Ordinance 161 ZC 123.)

Z-79-83 - WAKE FOREST ROAD - REZONED TO SHOPPING CENTER - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 126,000 square feet from Office and Institution-I and II to Neighborhood Business.

CR-2047 from the Planning Commission recommends that Z-79-83 be approved as requested.

Mr. Woodlief presented CR-2047. Mr. Edwards moved that the Council uphold the recommendation of the Planning Commission. His motion was seconded by Mr. Jordan.

Mr. Keller indicated this bothers him because it is a small parcel of land, and there is already an office on that land, and this opens it up to retail being able to move into levels of that office building. He indicated this is not look good precedent and noted he would vote against this motion.

Mr. Jordan indicated he had never entered that parking lot when there was no available parking spaces, and he has been there many times. He noted many cities allow a mixed use of zoning and allow office use in buildings with retail establishments and restaurants, and this is not uncommon around the country.

Planning Director Chapman pointed out the location on a map available at the meeting and noted this rezoning would not create nonconforming use. He then, in response to questioning, explained setback requirements. He noted there is extensive use of Neighborhood Business in this area that has occurred over the past two years. He noted the Neighborhood Business uses at this time all front on Wake Forest Road.

Ms. Babb indicated she felt we have been moving toward the idea of increasing the opportunity for mixed use development in the City. She felt that is positive, and there needs to be an opportunity to do this. She felt this would help in the downtown development and other areas and makes the best use of the land in some cases. She indicated along with the trend toward mixed use, we also need to move toward some clarification of performance standards. She indicated she did see working on better defining the mixed use and performance standards as a task for the immediate future. She noted she was comfortable supporting this case, and this is a trend that many people are interested in helping along.

Mr. Walters indicated the trend up until last year was to zone zero Neighborhood Business and up until the last one to one and one-half years, all business requests were changed by the Council to Shopping Center because you could do the same thing but would have plan approval. He felt the Council should have plan approval opportunity, and he did not know of a parcel this large that the Council has zoned Neighborhood Business rather than Shopping Center.

Mr. Keller indicated he has no problem with performance standards or this project but did not like the idea of going in a round about way of permitting mixed use and felt this should be done directly. He indicated possibly the Council does need to change the standards but felt it is bad precedent putting up a big office building and then coming around and getting it changed so you can put retail outlets in the building. Mr. Edwards indicated he could understand what Mr. Keller is saying, but when you have something that is there, that in itself would be transition into what we are talking about planning for and allowing in the future.

Mr. Upchurch indicated he is concerned about apartments being zoned Neighborhood Business with no site plan approval across the street from the apartments. He indicated he recognized the Council has zoned property adjacent to it to Neighborhood Business.

Mr. Upchurch MADE A SUBSTITUTE MOTION TO REZONE THIS PROPERTY TO SHOPPING CENTER. His motion was seconded by Mr. Walters. Ms. Babb questioned if this would require going back to public hearing. City Attorney McCormick indicated it is technically outside the request, but the Council reserves the right to rezone to any classification that we have in the Code and noted this is arguable. Mr. Chapman indicated the advertisement wording has been changed the last three zoning hearings and makes it clear the Council has the authority to apply any zone it wishes. Mayor York indicated he could see no problem with zoning this Shopping Center and would be adding control. Ms. Babb agreed noting it would still allow mixed use, and she had no problem with this. A vote on the substitute motion to rezone the property Shopping Center was taken and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE 1983-161 ZC 123

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

a. Falls of Neuse Road, west side, between Spring Forest Road extended and Sandy Forks Road, being Parcel 19, Tax Map 352, rezoned to Shopping Center (Z-83-83);

b. Wake Forest Road, east side, between Ronald and Honeysuckle Drive, being Parcel 399, Tax Map 409, rezoned to Neighborhood Business (Z-82-83);

c. Ronald Drive, north side, being Parcels 100, 116, 119, 120-121 and 185, Tax Map 409, rezoned to Neighborhood Business (Z-80-83);

d. Forest Ridge Road, north side, between Wake Forest Road and the railroad, being Parcel 73, Tax Map 437, rezoned to Office and Institution-I (Z-78-83);

e. Raleigh Beltline, north side, between St. Albans Drive and Quail Hollow Drive Extension, being portions of Parcels 123 and 336, Tax Map 436, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department entitled, "Z-77-83 - Approved August 2, 1983" (Z-77-83);

f. Wake Forest Road, east side, between Navaho Drive and New Hope Church Road, being a portion of Parcel 45, Tax Map 436, rezoned to Office and Institution-I according to map on file in the City of Raleigh Planning Department entitled, "Z-76-83 - Approved August 2, 1983" (Z-76-83);

g. Litchford Road, west side, between Greshams Lake Road and Falls of Neuse Road, being a portion of Parcel 3, Tax Map 326, approximately 24.7 acres rezoned to Residential-6 according to map on file in the City of Raleigh Planning Department entitled, "Z-73-83 - Approved August 2, 1983" (Z-73-83);

h. Perry Creek Road, south side, between U.S. 1 North and Berkshire Downs Subdivision, being a portion of Parcel 1, Tax Map 328, approximately 104 acres rezoned to Residential-6 (102 acres), and Conservation/Buffer (1.6 acres, being a 40-foot strip along the northern side of the request) according to map on file in the City of Raleigh Planning Department entitled, "Z-74-83 - Approved August 2, 1983" (Z-74-83);

i. Lynn Road, north side, between Six Forks Road and Bent Creek Drive, being Parcel 20, Tax Map 351, rezoned to Residential-10 (Z-86-83);

j. Six Forks Road, east side, north of Crown Oaks Drive, being Parcels 45, 44, 40, 32 and 557 and a portion of Parcel 17, Tax Map 324, being approximately three acres rezoned to Office and Institution-III according to map on file in the City of Raleigh Planning Department entitled, "Z-88-83 - Approved August 2, 1983" (Z-88-83);

k. Old Wake Forest Road, west side, between Six Forks Road and the Beltline, being portions of Parcels 61 and 121, Tax Map 436, and a portion of Parcel 28, Tax Map 465, being approximately 4.8 acres rezoned to Office and Institution-I according to map on file in the City of Raleigh Planning Department entitled, "Z-75-83 - Approved August 2, 1983" (Z-75-83);

l. Wake Forest Road, west side, between Bland Road and Ollie Street, being Parcel 665, Tax Map 437, and Parcels 104 and 105, Tax Map 409, rezoned to Shopping Center (Z-79-83).

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the 2nd day of August, 1983.

Adopted: 8/2/83

COMMITTEES, COMMISSIONS AND BOARDS

APPEARANCE COMMISSION - BILL ELLINGTON NOMINATED

The Deputy Clerk reported the term of Al Brothers expired July 21, and he is not eligible for reappointment. The term of Vince Zucchino expires August 4, 1983. Nominations include: Mr. Zucchino (Edwards, Upchurch), Carlton Midyette (Upchurch) and Sam Gaither (Babb). Nominations have not been closed.

Mayor York nominated Bill Ellington, 521 Marlowe Road. Nominations were not closed.

BOARD OF ADJUSTMENT - MICOU F. BROWNE APPOINTED

The Deputy Clerk reported the term of alternate member Micou F. Browne expires August 15, 1983, and he has been nominated for reappointment by Mr. Upchurch.

Mr. Walters MOVED THAT NOMINATIONS BE CLOSED AND MICOU F. BROWNE APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Edwards and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

Ms. Babb questioned when the next appointment would be coming up on the Board of Adjustment. Mayor York directed the Deputy Clerk to provide a memo with this information to the Council Members.

TRANSIT AUTHORITY - PAT PEIRCE NOMINATED

The Deputy Clerk reported the term of John R. Stone expires September 1, 1983. She indicated there is a second vacancy due to the death of Robert Lawrence. Nominations include B. H. Hunt (Edwards) and Marvin L. Scruggs (Upchurch). Nominations have not been closed.

Mr. Jordan nominated Pat Peirce, 420 Rosehaven Drive. Nominations were not closed.

HUMAN RESOURCES AND RELATIONS ADVISORY BOARD - KAY HOLDER NOMINATED

The Deputy Clerk reported there is one vacancy due to the resignation of Bobby Strickland and no nominations have been made.

Mr. Edwards nominated Kay Holder. Nominations were not closed.

FALLS LAKE ADVISORY COMMITTEE - TO BE PLACED ON AUGUST 16, 1983, AGENDA

The Deputy Clerk reported this is to be a five-person Committee with representation as follows: Corps of Engineers - one; Water Quality Specialist - one; Soil Specialist - one; and Citizens At-Large - two. This is a Technical Committee and if the recommendation of Work Session is upheld (later in the Agenda), it was agreed that the Committee could be enlarged if needed, and the Committee would report to the Public Works Committee.

Mayor York presented a memorandum from the Planning Director noting that contact had been made concerning possible membership on this Committee. The results of these contacts by the Planning Director were reported in the memo as follows:

"1. Corps of Engineers - I discussed the Committee with Chris Meshaw. She is pursuing the idea with members of the Corps staff. In the meantime, she asks that we officially request membership on the Committee by addressing a letter to Col. Wayne Hanson, District Engineer, U.S. Army Corps of Engineers, Wilmington District, Post Office Box 1890, Wilmington, North Carolina 28402. She suggested that the Corps had both Land Use Specialists and Water Quality Specialists which might be helpful in such an effort. I responded that perhaps one representative for the Corps could assure that such specialists were brought on line as a Committee might need their assistance.

2. Soil Conservation Service - In contacting Bobby Brock, I was reminded that he recently has been reassigned as a State Argronomist, with State-wide responsibilities. He felt that he would not have the time or

ability to focus on this issue given his new responsibilities. However, he suggested contacting his successor. I did that and found that Merriam Bailey was in her first day in the office today. However, she seemed quite interested in the possibility of serving and asked to be given the opportunity to look further into the background of the issue before she could commit herself. I explained to her that our interest was tentative at this point and that we would be in touch with her as the Committee developed.

3. Citizens - Dr. Charles Davey of the North Carolina State University School of Forestry stated that he would be very interested in serving on this Technical Committee, if asked. His only reservation was that he traveled extensively in his job and, from time to time, that might be a problem in his attending meetings. However, he saw no other problems and expressed his interest and desire to serve on such a Committee."

Mayor York indicated the Council may desire to have this placed on the next Agenda with the understanding that the Council could actually vote next time if there are no additional nominations.

Reverend Calloway nominated Augustus Witherspoon in the Water Quality Specialist category. Mr. Keller indicated Mr. Davey is a Soil Scientist.

Mr. Edwards MOVED THAT THIS MEMORANDUM WITH NOMINATIONS MADE BE PLACED IN THE AGENDA PACKETS WITH THE UNDERSTANDING THAT THE COUNCIL COULD, AT THE NEXT MEETING, WAIVE THE NORMAL PROCEDURES AND NOMINATE AND VOTE AT THE SAME MEETING. His motion was seconded by Mr. Walters and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

MUTUAL USE OF METHODIST HOME PROPERTY - WAKE COUNTY SCHOOL BOARD - REMOVED FROM AGENDA

Mr. Jordan indicated the Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH ADMINISTRATION'S ACTIONS TO ACCOMMODATE THE WAKE COUNTY SCHOOL BOARD'S REQUEST BEING AFFIRMED. Council Members received a copy of a memo outlining how this request has been accommodated. Mr. Jordan MOVED APPROVAL OF THE COMMITTEE'S RECOMMENDATION. His motion was seconded by Reverend Calloway and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

JOSEPHUS DANIELS STATUE - LOCATION IN NASH SQUARE APPROVED IN PRINCIPLE - ADMINISTRATION TO WORK OUT DETAILS

Mr. Jordan indicated the Committee RECOMMENDS APPROVAL IN PRINCIPLE OF A STATUE OF JOSEPHUS DANIELS BEING ERECTED IN NASH SQUARE AND ADMINISTRATION IS DIRECTED TO WORK OUT DETAILS WITH THE FOUNDATION and on behalf of the Committee, so moved. His motion was seconded by Mr. Keller and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

STREET LIGHTING STUDY - ADMINISTRATION TO NEGOTIATE WITH TOUCHE ROSS AND COMPANY - ITEM HELD IN COMMITTEE

Chairman Edwards reported THE COMMITTEE RECOMMENDS THAT ADMINISTRATION BE AUTHORIZED TO NEGOTIATE AN AGREEMENT/SCOPE OF WORK AND SERVICE FEE WITH TOUCHE ROSS AND COMPANY TO PERFORM THE STREET LIGHT COST STUDY WITH THE UNDERSTANDING THAT THE ITEM WOULD REMAIN IN COMMITTEE DURING THIS PERIOD TO CONSIDER THE PROPOSED AGREEMENT AND SUBMITTAL OF A RECOMMENDATION BACK TO COUNCIL AS TO AWARDING THE CONTRACT and on behalf of the Committee, so moved. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

BRENTWOOD ROAD SPEED LIMIT - CURRENT SPEED RETAINED

Chairman Edwards reported the Committee recommends that the speed limits on Brentwood Road remain as they are presently posted and on behalf of the Committee, so moved. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

TOWING CONTRACT - DUNN'S WRECKER SERVICE - APPROVED WITH CONDITIONS

Chairman Edwards reported the Committee recommends that Dunn's Wrecker Service be added to the contract for towing in 1983-84 provided the following conditions are met:

(1) Inside storage building is completed by August 19, 1983.

(2) Appearance of the property is not allowed to deteriorate during the term of the contract.

(3) The City Manager or his designee is authorized to terminate the contract upon the finding of a failure to comply with any of the terms of the contract.

(4) Upon termination, any special provisions applicable to Dunn's Wrecker Service would not be subject for continuance in future contracts.

Chairman Edwards indicated it is understood the City will need to revise the new contracts to contain the allowance for this facility and add to the other contracts the provisions for termination (Item 3). Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Ms. Babb. Reverend Calloway questioned how close they are to finishing the storage building, with Mr. Edwards indicating they would have until August 19 to complete the building.

A vote on the motion was taken and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

DAVIE STREET WIDENING - PROFESSIONAL SERVICES - AWARDED TO BONEY AND ASSOCIATES

Chairman Edwards reported the Committee recommends approval of a contract with Boney and Associates for professional services on the Davie Street widening project in the amount of $12,490. Chairman Edwards moved that the Committee's recommendation be approved. His motion was seconded by Mr. Upchurch and passed with all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

STREET CLOSING - WESTBURY DRIVE - APPROVED WITH CONDITIONS - RESOLUTION ADOPTED

Chairman Edwards reported the Committee recommends adoption of a resolution closing Westbury Drive, as advertised, contingent upon the following conditions:

(1) A ten-foot utility easement be retained.

(2) Proof of recombination of the lots so that there will be no parcels created that do not front on a public street.

(3) That the question of the water line be worked out to the satisfaction of the Public Utilities Director; that is, double check valves or disconnection of the line.

Chairman Edwards noted the recording of the resolution would not take place until the conditions are satisfied. Mr. Edwards moved that the recommendation of the Public Works Committee be approved. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-303

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF WESTBURY DRIVE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Westbury Drive right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. That the above-described portion of Westbury Drive be closed permanently when the following conditions are met:

1. A ten-foot utility easement be retained;

2. Proof of recombination of the lot so that there will be no parcels created that do not front on a public street;

3. That the question of water line be worked out to the satisfaction of the Public Utilities Director; that is, double check valves, disconnection or relocation of the line

Section 2. That this resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina, upon proof that the listed conditions have been met which would make this closing effective.

Adopted: 8/2/83

Effective: Upon recording of resolution after conditions have been met.

PU 1983-10 - SANITARY SEWER MAIN - APPROVED - RESOLUTION ADOPTED

Chairman Edwards reported the Committee recommends adoption of a resolution directing PU 1983-10 as advertised and on behalf of the Committee, so moved. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 304

A RESOLUTION TO DIRECT THAT THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefore; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1983-10 - Installation of approximately 3,171 feet of eight-inch sanitary sewer main within an easement from Rawls Drive to Sunnybrook Road and within Sunnybrook Road, beginning in the 400 block and continuing southward 1,333± feet.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 8/2/83

THOROUGHFARE CONFLICT - OUTER BELT LOOP - NORTH RALEIGH INDUSTRIAL PARK - REMOVED FROM AGENDA

Chairman Edwards reported the Committee recommends that this item be removed from the Agenda with no action taken as the problem has resolved itself. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

FALLS LAKE - PUBLIC HEARING STATEMENT - RESOLUTION ADOPTED

Chairman Edwards indicated Council Members received in their Agenda packets a resolution which is recommended for adoption to be presented as the City's position at the August 9, 1983, public hearing before the Environmental Management Division and on behalf of the Committee, moved approval of the resolution. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED. Mr. Edwards indicated he would be glad to present this resolution at the hearing. Mayor York indicated ground rules were set for this hearing and submitted these ground rules to Mr. Edwards.

RESOLUTION NO. (1983) 305

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RALEIGH:

1. Is appreciative of the efforts of the N. C. Environmental Management Commission to consider reclassification of the Falls Lake in a timely manner; and

2. While the State's proposed stream classifications are not totally in accord with the City's proposal, it is concluded that the proposals for the lake itself are appropriate to protect the public water supply and general use of the lake itself; and

3. The State's proposal to leave the tributaries as Class "C" is a basis for concern to the City, and the City hereby requests that the State proposal be amended to require that all tributaries from I-85 to the dam be designated as A-II to assure backup power sources for all waste treatment plants is provided; and

4. The City is supportive, in concept, of the approach for designating the Falls Lake as Nutrient Sensitive Waters but would encourage a continuing study of the most cost-effective techniques for use in controlling the nutrient conditions which may adversely affect the lake.

Adopted: 8/2/83

S-69-83 - PLAZA WEST SHOPPING CENTER - REMOVED FROM AGENDA - SC-188 - APPROVED WITH CONDITIONS

Chairman Edwards reported the Public Works Committee recommends removal of S-69-83 from the Committee Agenda as the applicant has withdrawn the subdivision request. He also reported the Committee recommends approval of SC-188 according to a map entitled, "Plaza West Shopping Center," the property of D and J Development Company, drawn by Envirotek, Inc., dated May 4, 1983, with the condition that the dedication of right-of-way and construction of road improvements to Jones Franklin Road and Western Boulevard be shown on the plan as previously approved by the City Council on August 5, 1975; and the extension of the deceleration lane to the southernmost driveway. He noted this approval is with the understanding that the sign criteria will be submitted for approval at a later date under normal site plan review process. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

ATLANTIC AVENUE IMPROVEMENTS - STREET AND UTILITIES - DIRECTED - RESOLUTIONS ADOPTED

Chairman Edwards reported the Committee recommends adoption of a resolution directing improvements to Atlantic Avenue utilizing the route along the western edge of the Highwoods property and substantially adjacent to the railroad, except at the north end of the Highwoods property, and approval of PU 1983-14 (the associated public utility project - installation of approximately 2,500 feet of thirty-inch water main in the new right-of-way) as advertised. This is with the understanding and stipulation that the owners of Highwoods will execute an agreement providing the following:

(1) Highwoods agreeing to dedicate the right-of-way on their property.

(2) Highwoods agreeing to relocate three CP&L utility poles which would be effected and do so at no cost to the City. Said poles would be relocated so as not to conflict with the location of Atlantic Avenue and not to impair the construction scheduled for this street.

(3) Highwoods agreeing to pay to the City an amount of $149,092 as consideration for these improvements and in lieu of the City's normal assessment requirements with the understanding that payments would begin upon awarding of the contract on the same basis as assessments are paid.

The Committee recommends that the Mayor be authorized to execute this contract on behalf of the City.

Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 306

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains, and paving 53 feet back-to-back on Atlantic Avenue from the existing pavement south of the Beltline, northward approximately parallel with the Seaboard Railroad within the western edge of the property at Highwoods Subdivision, the centerline coincides with the boundary line between Trenholm Properties and John A. Adams to a curve that will tie into Winton Road, approximately 300 feet north of the existing south end of Winton Road.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. one-half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 8/2/83

Effective: When agreement with Highwoods is executed.

RESOLUTION NO. (1983) 307

A RESOLUTION TO DIRECT THAT THE WATER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1983-14 - Installation of approximately 2,500 feet of 30-inch water main within the new right-of-way of Atlantic Avenue from the Beltline right-of-way, northward to the present end of Winton Road.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 8/2/83

Effective: When agreement with Highwoods is executed.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

SIGN ORDINANCE - OVERALL STUDY - PUBLIC HEARING AUTHORIZED

Chairman Upchurch indicated Council Members received in their Agenda packets two proposed ordinances relating to modifications and/or clarifications to our sign ordinance. The Committee recommends that a public hearing be scheduled at the September zoning hearing before the City Council and the Planning Commission to consider these two proposed ordinances. Mr. Upchurch moved approval of the Committee's recommendation. His motion was seconded by Mr. Keller. Reverend Calloway questioned if at this public hearing, discussions could take place regarding anything outside what is covered in the two ordinances. Mr. Upchurch indicated if there is another proposal, the Committee could work with Mr. Calloway on it and bring it to the next meeting.

A vote on the motion was taken and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

NORTH DISTRICT PLAN - APPROVED WITH CONDITIONS

Chairman Calloway reported the Committee recommends that the North District Plan be approved with the six conditions voted on separately with Reverend Calloway moving approval of each. His motions were seconded by Mr. Edwards and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED. The conditions that were approved are as follows:

(1) The City should retain the current Residential-1 zoning pattern in the Falls watershed at this time. However, the general concept for accommodating urban development in the Honeycutt Creek portion of the Falls Lake

Basin should be accepted with the understanding that additional detailed work must take place to complete a total plan for this area in concert with the State, County, and other governments with responsibilities to plan for the Falls watershed.

(2) The recently adopted policy for the urbanization of the Perry Creek/Neuse River Basins shall be incorporated as a part of this plan.

(3) The Committee will work to make specific recommendations regarding subdivision regulations and environmental best management practices that should be established for the Falls Lake portions of the district.

(4) The Administration will develop a residential density distribution proposal for the Falls Lake area along the lines of the distribution plan that was prepared for Lake Johnson.

(5) The Administration will report back to the Committee with regard to specific questions that were raised regarding the alignment of Millbrook Road, additional land acquisition for Shelley Park, and the feasibility and cost benefit relationships of establishing a neighborhood park plan that would provide service within one-half mile of any residence within the district.

(6) The Administration is instructed to more vigorously apply existing subdivision regulations regarding the reservation of park lands in accordance with the park plan and pursue improvements to the subdivision regulation to ensure that park land is acquired and developed as part of the development process.

RESOLUTION (1983) 308

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, The Raleigh Comprehensive Plan contains the general policy of the City Council to be used as a guide for developing capital improvements, budgets, ordinances and operating procedures to accomplish the plan; and

WHEREAS, the purpose of the Comprehensive Plan is also to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning the future development of the City of Raleigh; and

WHEREAS, the Comprehensive Planning Committee of the City Council has coordinated the actions of the citizens of the North Planning District, the Comprehensive Planning Advisory Group, the City Planning Commission, the City Administration and various private interest groups to prepare a recommended plan for the North Planning District; and

WHEREAS, a public hearing on Amendment No. CP-4-83 was held before a joint meeting of the City Council and the Planning Commission on June 21, 1983;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the attached amendment, CP-4-83, revising the Land Use Plan for the North Planning District on Pages 30, 31 and 32 of the Comprehensive Plan adopted by Resolution No. (1970) 949, on June 19, 1979, be approved with the following conditions:

1. The City should retain the current Residential-1 zoning pattern in the Falls watershed at this time. However, the general concept for accommodating urban development in the Honeycutt Creek portion of the Falls Lake Basin should be accepted with the understanding that additional detailed work must take place to complete a total plan for this area in concert with the State, County and other governments with responsibilities to plan for the Falls watershed, prior to the reclassification of the area for urban densities.

2. The recently adopted policy for the urbanization of the Perry Creek/Neuse River Basins shall be incorporated as a part of this plan.

3. The Committee will work to make specific recommendations regarding subdivision regulations and environmental best management practices that should be established for the Falls Lake portions of the district.

4. The administration will develop a residential density distribution proposal for the Falls Lake area along the lines of the distribution plan that was prepared for Lake Johnson.

5. The administration will report back to the Committee with regard to specific questions that were raised regarding the alignment of Millbrook Road, additional land acquisition for Shelley Park and the feasibility and cost benefit relationships of establishing a neighborhood park plan that would provide service within one-half mile of any residence within the district.

6. That the administration is instructed to more vigorously apply existing subdivision regulations regarding the reservation of park lands in accordance with the park plan and pursue improvements to the subdivision regulations to ensure that park land is acquired and developed as part of the development process.

Section 2. That the recommendations for public facilities contained in Amendment CP-4-83 be approved as amendments to the appropriate public facility elements of the Comprehensive Plan adopted by Resolution No. (1979) 949 on June 19, 1979.

Adopted: 8/2/83

Effective: 8/2/83

SOUTHWEST/WEST DISTRICT PLAN - INFORMATION RECEIVED

Chairman Calloway reported, as an item of information, that the Committee received the official presentation of the citizens version of this plan and started the review process of forwarding the plan to Administration and various Committees for their review and comments back to the Comprehensive Planning Committee. This item was received as information.

SHELLEY LAKE PARK AND GREENWAY MASTER PLAN - REVISION AND UPDATE - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

Chairman Calloway indicated he had received a resolution from Bryant Lindsey and moved that the following item be referred to the Comprehensive Planning Committee: That the Parks and Recreation Committee of the Greenway Commission revise and update the master plan for Shelley Lake Park and Greenway to accommodate suggestions during the North Comprehensive Planning process as well as additional suggestions as advisable and the revision and update plan be presented to the City Council by its first meeting in December, 1983. His motion was seconded by Mr. Edwards and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

CAROLINA PINES AVENUE - SALE AUTHORIZED - RESOLUTION ADOPTED

Mr. Walters reported the City owns a lot on Carolina Pines Avenue, Overlay 605, Parcel 506, between Steel and Marble Streets, and an interest in purchasing this property has been submitted by an individual. Mr. Walters indicated the Committee recommends that the City Council authorize the sale of this property through the negotiated offer upset bid process with a minimum price of $1,500 and on behalf of the Committee, so moved. His motion was seconded by Mr. Edwards and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 309

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired certain real property, said property being described more fully as follows:

Carolina Pines Avenue - Block D, Lots 5 and 6

WHEREAS, Eric M. Sifford has offered to purchase said property for the price of $1,500; and

WHEREAS, Chapter 160A-266 et seq., of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

1. That the City Council, on August 2, 1983, ascertained that all requirements of Chapter 160A-266 et seq., have been followed in the proposed sale of the above-described property.

2. That the City of Raleigh will sell the herein before described property to Eric M. Sifford for the sum of $1,500.

Adopted: 8/2/83

COMMUNITY DEVELOPMENT PROPERTY - VALUES FOR PROPERTY ACQUISITION - APPROVED

Mr. Walters moved approval of the offer to purchase the following parcels at the established fair market value:

a.	528-530 East Lenoir Street Parcel B0055-0001 and 0002	$ 3,800.00
b.	1112 Mark Street Parcel B0209-0016	$ 3,500.00

c. 523 Bragg Street
Parcel B0139-0015c and 0016a $ 6,350.00

His motion was seconded by Mr. Jordan and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT PROPERTIES - FAIR MARKET ACQUISITION VALUES - APPROVED

Chairman Walters moved approval of the fair market acquisition values of the following two parcels based on two acquisition appraisal reports and a review appraisal report:

Parcel	Value
227 New Bern Avenue Parcel A0077-0007	$132,000.00
9-11 North Person Street Parcel A007-0006	$ 81,700.00

His motion was seconded by Mr. Edwards and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

Z-5-83 - LAKE DAM ROAD/I-40 - REMOVED FROM AGENDA

Mr. Walters reported this item was referred to the Real Estate Committee since it involved property in the vicinity of Lake Johnson. He noted the Real Estate Committee has devoted considerable time in reviewing the feasibility of acquiring this 16.51 acre tract, and it is concluded by the Committee that the fair market value of this property would be in the range of $400,000 to $450,000 which exceeds the funding resources available for land acquisition in this area. He noted based on the financial limitations we have in our budget and the likelihood of other parcels in the Lake Johnson area having a higher priority for City acquisition, it is the Committee's conclusion that acquisition of this property would not be feasible at this time. He further noted that the rezoning case is pending in the Comprehensive Planning Committee. Mr. Walters moved that this item be removed from the Agenda with no action. His motion was seconded by Mr. Edwards and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

ARTSPACE, INCORPORATED - LEASE GUARANTEE - APPROVED IN CONCEPT - ITEM HELD IN COMMITTEE

Mayor York reported the Committee recommends approval in concept of the request made by Artspace, Incorporated, for the City to provide a guarantee for their lease of the Sanders Ford Building for two years with the understanding that the maximum commitment of the City would be $60,000 per year. He reported the Committee further recommends that this item stay in Committee to work out the concept in more detail and resolve certain matters relating to the program as discussed in Committee. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Mr. Walters. Mayor York indicated a key item to be worked out is the matter with Cranston, and this is part of the area the Committee has agreed to work with them on and felt it can be resolved. He noted he would try to have a meeting with Cranston and the key persons with Artspace. A vote on the motion was taken and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

DOWNTOWN DEVELOPMENT CORPORATION - DOWNTOWN COMMITTEE TO MEET WITH BOARD OF DIRECTORS TWICE PER YEAR

Mayor York reported the Committee had a very informative session with the Board of Directors and Executive Director of the Downtown Development Corporation and is pleased with the progress made to this point. He noted the Committee recommends that the Downtown Committee meet with the Board of Directors of the Corporation twice each year to exchange information and ideas. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

CENTRAL TRANSFER POINT - NEGOTIATIONS AUTHORIZED

Mayor York reported the Committee recommends that contract negotiations be initiated with Wilbur-Smith and Associates as the first choice and Kimley-Horn and Associates as the recommended alternate. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Mr. Walters and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

ZUCHELLI, HUNTER AND ASSOCIATES - ADDITIONAL BILLING - APPROVED - TRANSFER OF FUNDS AUTHORIZED

Mayor York reported the Committee recommends approval of a transfer from General Fund Contingency in the amount of $6,569.35 in order to close out the general consultation contract with Zuchelli, Hunter and Associates. This is a compromise settlement of an overrun of the contract price. The payment is with the understanding that the City receive acknowledgement from Zuchelli, Hunter and Associates that it will be accept-

able to close out the contract. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED. (See Ordinance 158 TF 2.)

WORKSHOP FOR DOWNTOWN PROPERTY OWNERS - REFERRED TO DOWNTOWN COMMITTEE

Mayor York indicated an item he would like to have referred to the Downtown Committee involves a matter that was discussed at the Work Session at Camp Durant regarding a workshop for downtown property owners. He indicated the idea of having property owners in Downtown Raleigh participate in a workshop has been further discussed, and the purpose would be to convey information that would help in redevelopment or development of their property in loan pool programs, etc. He indicated a good deal of work has been done on this, and Administration has worked with Pamela Michaels, and they recommend that the City work with Zuchelli, Hunter as this item needs coordination. He indicated he would like to have this referred to the Downtown Committee, noting there was discussion on this at the Development Corporation Board meeting and there was support for the concept, but it was his feeling there was some apprehension which he did not feel should be there. Mr. Walters moved that this item be referred to the Downtown Committee. His motion was seconded by Mr. Edwards and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

INFORMATION PROVIDED TO COUNCIL MEMBERS - COMMENTS RECEIVED

Mr. Keller, in referring to the Central Transfer Point item previously discussed, questioned if there is any way the Council Members could have information such as this made available to them a day or two in advance. Mayor York noted in this particular case, the Committee met the previous day at 5:00 p.m. He noted there were several proposals, and the primary proposals being considered were Kimley-Horn and Wilbur-Smith and Associates. He indicated staff recommended Kimley-Horn, but staff felt comfortable with working with either company. He indicated the Committee reviewed contracts previously entered into by various companies and discussed the desire to spread the work around and, therefore, recommended Wilbur-Smith. He noted he understood the point being made by Mr. Keller regarding the logistics. Mr. Keller indicated he would like to be aware of these items prior to the meeting.

REPORT AND RECOMMENDATION OF THE NEW MUNICIPAL BUILDING COMMITTEE

NEW MUNICIPAL BUILDING - AMENDMENT TO CONTRACT CHANGE ORDER - APPROVED

Chairman Edwards reported the Committee recommends approval of the amendment to Contract Change Order P-1 - Triangle Mechanical Associates. He explained the change involved installing a six-inch sewer main in lieu of a four-inch service and installing sand traps in two locations as well as including installing a manhole by the Public Utilities Department to protect the sewer main. He noted the cost for installing the new manhole by Public Utilities will be an additional $1,393.11, and the cost for increasing the size of the sewer service is $603, which will increase the plumbing contact from $239,299 to $239,902. He noted the cost of the manhole, $1,393.11, will not be added to the contract. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. (See Resolution 302 TF 5.)

MUNICIPAL BUILDING PARKING DECK - ARCHITECTURAL/ENGINEERING CONTRACT - APPROVED

Chairman Edwards reported the Committee recommends approval of a transfer of funds in the amount of $84,000 to increase funds for the architectural/engineering contract. He explained this would increase the funds for the A/E contract from $200,000 based on 7.8% x $2,532,000 preliminary estimate to $280,000 based on final estimate of $3,567,500. He indicated miscellaneous would be increased to $12,000 from $8,000 for testing, advertising, printing and mailing. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. (See Resolution 302 TF 5.)

REPORT AND RECOMMENDATION OF THE WORK SESSION

FALLS LAKE - GENERAL FRAMEWORK FOR DEVELOPMENT OF POLICY ADOPTED - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor York reported it is recommended that the following general framework for development of a policy relating to Falls Lake be adopted with the understanding the matter would be referred to Public Works Committee for development of specific policies:

(1) Adopt goals related to nutrient levels, sedimentation and storm water runoff.

(2) Determine standards and incentives to meet the goals. This step will need to be closely coordinated by the State since many jurisdictions are involved. All jurisdictions need to adopt the same goals and agree to meet the goals. An "equity" question may arise regarding the cost benefit when applied to only one jurisdiction. The State will take the lead in the equity discussions. One possible solution would be a pool of money paid equally by jurisdictions based on population whereby the money would be distributed by the State for specific approved projects.

(3) After 1 and 2 are accomplished, the local jurisdictions need to implement standards agreed upon to meet goals with monitoring by the State.

It is further recommended that the City Council appoint an Advisory Committee to advise the Public Works Committee on development of the policies. This would be a five-person Committee with representation as follows:

(1) Corps of Engineers

(2) Water Quality Specialist

(3) Soils Specialist

(4) Citizen-at-Large (possibly another specialist)

(5) Citizen-at-Large

It is recommended that this Advisory Committee be technically oriented to provide, along with the City staff, the technical input needed on these matters, and the Committee would be appointed with the understanding that it could be enlarged if additional speciality areas are needed.

As a matter of information, Public Works Committee was asked to develop a position statement on Falls Lake and its tributaries to be presented at the August 9 public hearing being held by the State to consider reclassifications.

Reverend Calloway moved approval of the recommendation as outlined. His motion was seconded by Mr. Jordan and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

GENERAL DEVELOPMENT STUDY - COUNCIL DIRECTIVE CONTINUED - GENERAL MANAGEMENT RECOMMENDATIONS REFERRED TO PUBLIC WORKS COMMITTEE

Mayor York reported it is recommended that the Council directive issued on July 5, which is "Administration is to develop a plan for implementing the recommendations included in the General Development Study relating to the possibility of a separate Inspections Department and other items related to the development process," be continued with the understanding the report would be made to the Public Works Committee. It is further recommended that the other items as listed in the category, General Management Recommendations, presented to the Committee and included in the Agenda packet be referred to the Public Works Committee for further study and recommendations.

Mr. Edwards moved approval of the recommendation as outlined. His motion was seconded by Mr. Walters and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY MANAGER SELECTION COMMITTEE

CITY MANAGER SELECTION - DEMPSEY BENTON APPOINTED

Mayor York reported the Committee recommends that the City employ Dempsey Benton, effective December 14, 1983, as City Manager at a salary of $57,500 per year with a $2,000 per year auto allowance. He noted the Committee recommends that the City review the salary within six months based on performance and comparable salaries in other large cities in North Carolina, i.e., Charlotte, Greensboro, and Winston-Salem. Mr. Edwards moved approval of the Committee's recommendation. His motion was seconded by Mr. Walters and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

ZONING HEARING TIME SEQUENCE - CHANGES APPROVED - ORDINANCE ADOPTED

At the July 19, 1983, Council Meeting, Administration was requested to review TC-242 and the item concerning the timing sequence for zoning hearings. With reference to TC-242, it appears that a major objective is to provide equity of time between proponents and opponents. The objective of the timing sequence plan is to provide citizens with a better understanding of when a particular item would be presented at the public hearings.

Recommendation:

It is recommended that the wording of TC-242 be changed to include a maximum total of eight minutes for proponents and eight minutes for opponents. A proposed revised ordinance was included in the Council Agenda packets. Such a change would allow the Council to continue its current practice of providing a five minute opening statement for the proponent and a three minute period for clarification following the opponent's remarks. It would expand the opponent's time to eight minutes.

Mayor York indicated he has had a lot of comments about this and felt that eight minutes per side makes more sense and then the proponent would know they would have eight minutes. He indicated this is an improvement over the five minute recommendation made previously. Mr. Jordan questioned if this would allow additional time if requested. Mayor York felt additional time would be allowed. Mr. Walters felt the way it is written, it says a maximum time. Mr. Upchurch indicated the Council, in

his recollection, has never denied anyone time. Mayor York suggested adding a sentence that this would not preclude an extension of time up to a maximum of another three minutes.

Planning Director Chapman indicated the actual text of the ordinance states, "Ordinarily, a maximum total of eight minutes will be allowed all proponents and a maximum total of eight minutes will be allowed all opponents for oral presentation." He indicated this was written specifically to allow for Council discretion.

Mr. Walters indicated this deviates from the way we have always operated in the past, noting generally there are one or two individuals speaking as proponents and many speaking as opponents and did not feel we can limit the total opposition to the same time as the proponents. He indicated the General Assembly has a limit of time for each person speaking. Mayor York felt this is a fair proposal, and exceptions would be allowed, but this does give equal time.

Following discussion, Ms. Babb moved approval of the ordinance as written. Her motion was seconded by Mr. Upchurch and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 163 TC 193

AN ORDINANCE TO AMEND THE PROCEDURES RELATING TO ORAL PRESENTATIONS AT ZONING HEARINGS

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA THAT:

Section 1. The first sentence of Subsection 10-2113(i) of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"(i) Proponents are entitled to open and conclude the oral presentation. Ordinarily, a maximum total of eight (8) minutes will be allowed all proponents and a maximum total of eight (8) minutes will be allowed all opponents for oral presentation.".

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 6. This ordinance shall become effective upon its adoption.

Adopted: 8/2/83

With regard to the scheduling of items on the zoning hearings, the seven minute spacing of items which had been previously suggested would appear to avoid the necessity for any substantial number of breaks during the hearings. However, an alternative which might be equally effective in allowing interested parties to schedule their time better would be to add a note to the Agenda for the hearings to the effect that while the hearings will begin at 6:30 p.m., Items 8 through 15 would not be heard before 7:30 p.m., and Items 16 through 23 would not be heard before 8:30 p.m., etc.

Mr. Upchurch moved approval of this recommendation as outlined. His motion was seconded by Mr. Calloway and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

BUDGET TRANSFERS - REFUND ACCOUNTS APPROVED

During the fiscal year, it is necessary to render refunds for items or accounts erroneously collected or collected in excess of the proper amount. With the implementation of the new computerized financial management program, it is necessary to set up specific appropriation accounts to provide for these refunds.

Recommendation:

It is recommended that the transfers of funds be approved to establish these refund accounts.

City Manager Zachary indicated this is due to the new financial reporting system. Mr. Upchurch moved approval of the recommendation as indicated. His motion was seconded by Mr. Edwards with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. (See Ordinance 158 TF 2.)

LIBRARY CONTRACT - APPROVED - MAYOR AUTHORIZED TO SIGN

City Manager Zachary indicated pursuant to previous Council action, a contract has been developed which provides for the County to assume full responsibility of the Library Program. Council Members received a copy of the proposed agreement in their Agenda packets. Mr. Zachary recommended that the Council approve the contract and authorize the Mayor to execute the contract on behalf of the City of Raleigh.

City Manager Zachary explained when the proposal was made to Wake County, it was the City would pay $300,000 immediately after the signing for the improvements to the building. He indicated another proposal was when Wake County vacated the Olivia Raney Building, the City would give them $300,000 or the proceeds from the sale of the building, whichever was less. He noted this contract indicates the City would pay them $300,000, noting we have not had an appraisal done of the building. He indicated looking at recent sales of land and buildings in that area, it looks like we are not far off of the probable value of $300,000 of the value for the building and the land.

Mr. Benton indicated the Olivia Raney Building contains 44,000 square feet with a 10,290 square foot lot. He indicated adjacent to it, there was a recent transaction for $85,500 or $8.80 per square foot of building space, noting the land cost was $17 a square foot. He noted the Olivia Raney Building would equate in excess of $387,000. He indicated Administration considers the Olivia Raney Building to be in better condition than the one that was sold recently. He indicated in regard to land value, the property that originally had been the Mangel's building has a current offer of $23 per square foot just for the land. He noted it appears the Olivia Raney Building will probably be worth more than $300,000. City Manager Zachary indicated he just wanted the Council to be aware that this is a change from the recommendations that went forward from the Intergovernmental Liaison Committee; however, Administration still recommends approval.

Following brief discussion, Mr. Walters moved approval of the contract. His motion was seconded by Mr. Upchurch with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SPCA CONTRACT - ANIMAL STORAGE - APPROVED

Wake County SPCA has submitted a contract for Fiscal Year 1983-84 to provide for the storage and disposal of animals collected by the City's Humane Officers. The proposed storage fees are approximately 6.7% higher than for 1982-83, and the pro rata share of facility rental is increased by 4.9%. In Fiscal Year 1982-83, the City expended $37,863 for the program. The Fiscal Year 1983-84 budget includes $43,000 for this program which should be sufficient.

Recommendation:

It is recommended that the contract with Wake County SPCA be approved.

Mr. Edwards moved approval of the contract. His motion was seconded by Mr. Upchurch with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ATLANTIC AVENUE - UTILITY POLE RELOCATION - PLAN APPROVED - APPROPRIATION OF FUNDS AUTHORIZED

A number of utility poles are located in the Atlantic Avenue Corridor between Downtown Boulevard and Wicker Street which are not in existing public right-of-way. These poles will have to be relocated as part of the Atlantic Avenue project.

Administration has worked with CP&L to develop a process for relocating these poles. Under this tentative arrangement, CP&L will move all poles in existing public right-of-way at no cost to the City, and the City will pay 50% of the cost of relocating other poles which is estimated to be $16,067 and will not exceed $20,000.

Recommendation:

It is recommended that the City Council approve the plan for relocating utility poles and appropriate $20,000 for funding this work.

Mr. Edwards moved approval of Administration's recommendation as outlined. His motion was seconded by Ms. Babb and passed with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

MILLBROOK ROAD EXTENSION - ADMINISTRATION TO PROCEED WITH RIGHT-OF-WAY ACQUISITION WITH CONDITIONS

On August 3, 1982, the City Council agreed to include the relocation of Millbrook Road, east of Wake Forest Road, as part of the Atlantic Avenue project. This commitment was contingent upon all right-of-way for this project being provided at no cost to the City prior to the date that construction bids are solicited.

The City has been advised that all right-of-way is available to the City, except for that which is needed from the property on the east side of Wake Forest Road. The North Boulevard Centre officials have indicated they are unable to acquire this right-of-way. They are willing to pay all fees and acquisition costs if the City would proceed with the acquisition at the location.

Recommendation:

It is recommended that the City Council authorize Administration to proceed with the acquisition of the necessary right-of-way from the owners of the properties where North Boulevard Centre has not obtained the necessary commitments, provided that North Boulevard Centre agrees to pay all fees and acquisition costs incurred by the City.

Mr. Edwards moved approval of Administration's recommendation. His motion was seconded by Ms. Babb and passed with all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SR 2005 - CHANGE TO HONEYCUTT ROAD - CONCURRENCE EXPRESSED

At the July 19, 1983, Council Meeting, the City was requested to designate SR 2005 as Honeycutt Road rather than Honeycutt Creek Road. Administration was requested to review this request.

In reviewing this item, it has been determined that the changing of street names outside the corporate limits of the City should be handled through the County.

Recommendation:

It is recommended that the City express its concurrence with the requested name change and request the petitioner to pursue the necessary official action with the County.

Mr. Edwards moved approval of Administration's recommendation. His motion was seconded by Mr. Upchurch and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

ADDENDUM

STREET CLOSINGS - SKYLARK WAY, COLD SPRINGS DRIVE AND BROWN'S LANE - RESOLUTIONS OF INTENT ADOPTED

City Manager Zachary reported the staff has been requested to process several street closings that affect a current subdivision, and the applicants have requested that Administration expedite the street closing process. It was noted Administration would request responses from the concerned agencies while public notice is being advertised.

Recommendation:

It is recommended that the City Council adopt a Resolution of Intent to close the following streets and alley, and set a date for public hearing on the matter:

(1) A portion of Skylark Way;

(2) A portion of Cold Springs Drive;

(3) An unopened seven-foot wide alley known as Brown's Lane running between New Bern Avenue and East Edenton Street.

Ms. Babb moved the adoption of a Resolution of Intent to consider these closings with the public hearing scheduled for the last meeting in September. Her motion was seconded by Mr. Upchurch and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 310

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF SKYLARK WAY RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, The City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

Portion of Skylark Way, Summerfield North Subdivision, Section III, Phase I, running off Running Cedar Trail, recorded in Book of Maps 1977, Volume 6, Page 672, Wake County Register of Deeds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to the above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, September 20, 1983, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above-named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 8/2/83

RESOLUTION (1983) 311

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF COLD SPRINGS DRIVE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, The City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

Cold Springs Drive, running off Mourning Dove Road, Summerfield North Subdivision, Section 2, Phase 5, recorded in Book of Maps 1983, Page 637, Wake County Register of Deeds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to the above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, September 20, 1983, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above-named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 8/2/83

RESOLUTION NO. (1983) 312

A RESOLUTION OF INTENT TO CONSIDER CLOSING AN UNOPENED ALLEY KNOWN AS BROWN'S LANE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

An unopened seven-foot wide alley known as Brown's Lane running between New Bern Avenue and East Edenton Street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to the above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, September 20, 1983, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above-named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 8/2/83

BOYLAN AVENUE BRIDGE - REDUCTION OF RETAINAGE - AUTHORIZED

City Manager Zachary reported the contractor on the Boylan Avenue Bridge has requested a reduction of retainage from ten percent to five percent according to Council policy as this project is eighty-three percent completed at this time. He indicated Administration recommends approval. In response to questioning, Mr. Zachary indicated the bridge would be through by October 4. Mr. Upchurch moved approval of the retainage reduction. His motion was seconded by Ms. Babb with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

PRIORITY WORK ITEMS - STATUS REPORT RECEIVED

City Manager Zachary indicated Council received a copy of the status of the priority work items established by the Council. The report was received as information.

GORMAN STREET CONNECTOR - INFORMATION RECEIVED

City Manager Zachary reported Gorman Street connector is now open and paved, noting it would be a major street. This item was received as information.

BILTMORE HILLS POOL - OFFICIAL OPENING - AUTHORIZED

City Manager Zachary reported Mr. Meir called and would like to have an official opening scheduled for Saturday, August 6, 1983, at 10:00 a.m., for the purpose of officially opening and dedicating the Biltmore Hills Pool. Reverend Calloway moved approval of this opening. His motion was seconded by Mr. Jordan and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Jordan moved that there be no charge for swimming on the day of the official dedication. His motion was seconded by Reverend Calloway and passed with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

CABLEVISION - INFORMATION RECEIVED

City Attorney McCormick indicated, as a matter of information, he has received word that Cablevision of Raleigh will begin to turn on the twenty-one channel system in September. He indicated the rate for that will be $7.60, which is 10¢ more than the twelve channels, noting people will be allowed to keep the twelve channels if desired. He indicated there is a converter deposit if an individual chooses to go to the twenty-one channels. He noted if you go to the twenty-one channels, the pay service will increase to the rates approved earlier. The section of the full sixty channel system will be cut on beginning December 31.

Ms. Babb questioned if those who have two sets would be required to pay double with the twenty-one channels. City Attorney McCormick indicated that was only proposed to come into effect when we get to the sixty channels.

This item was received as information.

REPORT OF MAYOR AND COUNCIL MEMBERS

NATIONAL SPORTS FESTIVAL - RESOLUTION ADOPTED

Mayor York indicated the possibility has been discussed for the National Sports Festival being held in the Research Triangle area. He indicated it was in Colorado Springs this year, and since next year is an Olympic year, the National Sports Festival will be held the year after that. He indicated the prime mover of this effort has been Hill Carrow and presented a resolution that the National Sports Festival be held in this area in 1985, 1986 or 1987. He indicated the reason this area is such a strong possibility for this festival is due to the location of the college campuses and other facilities in the three cities (Raleigh, Chapel Hill and Durham). He indicated there is a possibility of using the Civic Center and other facilities in the three towns, and this would not necessarily involve direct City sponsorship. He felt it would be well if the City of Raleigh could have some type of resolution of encouragement for this. He indicated there is an official submission that will be made. He noted Mr. Krupa worked on this to some extent. He noted the National Sports Festival is an event that has many different types of sports. At this point, he read the resolution in full, noting it would be a joint resolution involving the three cities. He indicated if this resolution is adopted, it should be forwarded to the other cities and get all three cities to sign the same resolution. He indicated there is a private committee at this point doing the leg work.

Ms. Babb MOVED APPROVAL OF THE RESOLUTION AS PRESENTED. Her motion was seconded by Mr. Jordan and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) 323

JOINT RESOLUTION

WHEREAS, the National Sports Festival is the showcase of talent for America's athletic hopefuls for the Pan American and Olympic games; and

WHEREAS, the Festival promotes amateur sports and tests the abilities of athletes over a seven-day period in July of each non-Olympic year, affording athletes the opportunity to compete in all thirty-three sports of the Pan American and Olympic games; and

WHEREAS, the residents of the North Carolina Research Triangle Area--comprised of Chapel Hill, Durham and Raleigh--are deeply involved in and supportive of a wide range of competitive sports; and

WHEREAS, seven colleges and universities located in the three cities are equipped with the best and most efficient accommodations and facilities for sports activities, and where some of the country's finest athletes choose to enroll; and

WHEREAS, the citizens of the Triangle area accept with great pride the challenge of hosting the National Sports Festival, the thousands of participating athletes and officials and the many more thousands of visitors who would attend this prestigious event;

NOW, THEREFORE, BE IT RESOLVED THAT, with generous support and cooperation of the Triangle area, the joint Councils of the Cities of Raleigh, Chapel Hill and Durham respectfully request the United States Olympic Committee give serious consideration to holding the National Sports Festival in this superbly qualified location in the great State of North Carolina for 1985, 1986 and 1987, not only to further the cause of competitive sports for the youth of our nation, but to share with the athletes, officials and visitors the high quality of life we enjoy in the great North State.

Adopted by the City of Raleigh:

G. Smedes York
Mayor, City of Raleigh, North Carolina

Joseph L. Nassif
Mayor, City of Chapel Hill, North Carolina

Charles B. Markham
Mayor, City of Durham, North Carolina

Adopted: 8/2/83

WAKE COUNTY - PURCHASE OF PROPERTY - REFERRED TO ADMINISTRATION

Mayor York indicated Wake County has made an announcement of the plans to purchase property for a facility on Poole Road. He indicated he did not know if that is good or bad and did not know what their land use needs are. He noted they are talking about purchasing seventy-two acres. He indicated it was his original thought that some urban renewal land could be considered; however, the needs of the County have not been explained. He felt it is good practice to communicate on items of this nature. He requested that Administration give the Council some information on what Wake County needs and what the seventy-two acres involve as background information. He felt that downtown needs to be the focus of government and financial centers, and the possible erosion of that is something the Council should look at. He noted this is not the Council's decision, but at the same time, the Council takes action and makes comments about matters that have an effect on our City, and the Council needs to be sure we have all the information and then the Council can decide if we follow-up action is needed. He indicated this is a matter of concern, but if they actually need seventy-two acres, he did not feel that much property would be available in the urban renewal area. Mr. Zachary indicated there is twenty-five acres available in the urban renewal area.

Mr. Walters indicated it is a shame that our Wake County government would be moving out of the downtown area; however, if there is a need for that large area, he noted he is familiar with this property, and if it has to be out of the downtown area, he did not think they could have picked a better site.

Mr. Upchurch indicated he looks at this with mixed emotions, noting it is prime land for development, and that is an area of Raleigh that is very promising; however, this takes it off the tax base. He noted it could, however, encourage other businesses and industries to locate in the area. Mr. Walters indicated if there is a need to go outside and that much space is needed, this property would be the equivalent to the Meredith property and would be a college campus atmosphere, and they would have plenty of room for expansion. He felt this would be a very positive thing for that area.

DEVELOPMENT PROCESS - SUNSET CLAUSE - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Keller indicated he attended a Planning Commission meeting last Monday, and all of them were shaken when Plaza West abandoned their subdivision proposal and resurrected a ten-year old plan for approval. He indicated there is nothing that could be done about that particular case but moved that the Council refer to the Public Works Committee the possibility of a text change which would provide a sunset clause on subdivision approvals. His motion was seconded by Mr. Upchurch.

Mr. Edwards indicated this has come up in Public Works Committee discussions and felt our development process is one of the areas we need to put a time limit on. Mr. Edwards suggested looking at the entire development process which would also involve streets. He indicated there are some times this works to the detriment of the general citizenry to have this tool for some people to work with. Mr. Edwards noted a few Council meetings ago there was a request from a property owner to keep intact approval of a PUD project, noting the PUD projects have a two-year time limit.

Mr. Keller amended his motion to include the study of the entire development process with Mr. Upchurch agreeing to this amendment. A vote on the motion was taken and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

STREET LIGHTING - SOUTH STATE STREET - REFERRED TO ADMINISTRATION

Reverend Calloway indicated he appealed to Administration previously to look at South State Street between Peterson Street and the Beltline overpass, noting lighting is needed in this area as it is dark. He questioned if it would be possible for the City to restore a couple of lights that were removed. He indicated previously

Administration stated this was not needed but felt it is needed as he is concerned there may be an accident due to the darkness. Without objection, this item was referred to Administration.

STREET IMPROVEMENTS - 900 AND 1000 BLOCKS OF TIPTON STREET - REFERRED TO LAW AND FINANCE COMMITTEE - IMMEDIATE REPAIRS TO 1000 BLOCK - REFERRED TO ADMINISTRATION

Reverend Calloway indicated he would like to refer to the Law and Finance Committee the street improvements in the 900 and 1000 blocks of Tipton Street, noting this is unimproved and has no curb and gutter. He indicated he has been approached by people as to whether this could be added to the street improvement program for this year. He indicated he would like Administration to immediately look at the 1000 block of Tipton Street, noting it is in bad shape with many potholes.

Following brief discussion, Reverend Calloway moved that the 900 and 1000 blocks' improvements be referred to the Law and Finance Committee with Administration to make immediate improvements in the 1000 block. The motion was seconded by Mr. Jordan and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

NORTH BLOUNT STREET - INSPECTION OF DWELLINGS - REFERRED TO ADMINISTRATION

Mr. Walters indicated he presented Mr. Zachary a letter from a gentleman relating to the Pilot Mills area, noting there are a couple of houses that need inspection on North Blount Street. This item was referred to Administration.

GOVERNOR'S CONFERENCE ON WOMEN IN ECONOMY - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Upchurch indicated last Thursday he met with Senator Woodard and noted on October 31 through November 2, there will be a Governor's Conference on Women in Economy in the Civic Center. He indicated they will be spending quite a bit of money, and they are asking for the City to furnish Danishes and coffee at the registration. He indicated he felt this should be looked at more thoroughly and perhaps help them in some other way. Without objection, the item was referred to the Public Works Committee.

REPORT OF CITY CLERK AND TREASURER

MINUTES - JULY 19, 1983, COUNCIL AND ZONING - APPROVED AS PRESENTED

The Deputy Clerk indicated Council Members received copies of the minutes of the July 19, 1983, Council Meeting and Zoning Hearing. There were not corrections made in the July 19 minutes; therefore, Mayor York ruled the minutes approved as distributed.

PRELIMINARY ASSESSMENT ROLLS - VARIOUS - RESOLUTIONS ADOPTED.

The Deputy Clerk presented the following preliminary assessment rolls. It was recommended that the Council adopt the preliminary assessment rolls which would set a public hearing to consider confirmation of costs during the September 6, 1983, Council Meeting.

Paving AR-685 - Temple Street
Water AR-996 - Owens Lane
Water AR-997 - Ravenwood Drive

Mr. Jordan moved adopted of the preliminary assessment rolls as presented which was seconded by Reverend Calloway, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 313

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 685
Powell Fund

WHEREAS, by Resolution No. (1980) 385 adopted by the City Council on November 4, 1980, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving twenty-seven feet back-to-back with one and one-half inch asphalt surface on a five-inch stone base on Temple Street from Collins Drive west to dead end.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $12,996.21.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Harriette F. Stoneham	1	0066244	79.0	790.00	238.00	1,028.00
William P. Wilkins & Frieda	2	0066243	90.0	900.00	98.00	998.00
Vivi R. Miller	3	0066242	102.6	1,026.00		1,026.00
Curtis L. Ellis	4	0066235	100.0	1,000.00	46.00	1,046.00
Charles R. Roy & Joy	5	0061489	90.0	900.00	282.60	1,182.60
James M. Boyette & Nancy	6	0007421	90.0	900.00	102.40	1,002.40
James F. Cook	7	0066245	127.0	1,291.78	123.60	1,415.38
Robert N. Harris & Wife	8	0045774	140.0	1,400.00	332.20	1,732.20
Glen D. Mead & Margaret	9	0062192	105.0	1,115.33	347.80	1,463.13
Calvin A. Rhuehl, Jr.	10	0069394	165.55	1,655.50	447.00	2,102.50
			1,089.15	10,978.61	2,017.60	12,996.21
		TOTAL COST OF PROJECT			$30,747.59	
		TOTAL COST OF PROPERTY OWNERS			$12,996.21	
		TOTAL COST TO CITY OF RALEIGH			$17,751.38	

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 685 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 6th day of September, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 8/2/83

RESOLUTION NO. (1983) 314

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 996

WHEREAS, by Resolution No. (1983) 230 adopted by the City Council on May 3, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of 360 feet of six-inch water main to replace existing two-inch water main in Owens Lane from Fitzgerald Drive to Bunche Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $1,173.69.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Arthur Vines, Jr.	1	0072831	16	94.5	$459.27
Virgie Mae Beckwith	2	0005466	2	72.0	349.92
Willis E. Daniels	3	0016681	3	75.0	364.50

Cost Per Foot: $4.86

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 996 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 6th day of September, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 8/2/83

RESOLUTION NO. (1983) 315

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 997

WHEREAS, by Resolution No. (1982) 65 adopted by the City Council on October 19, 1982, the local improvements hereinafter referred to were authorized and directed

pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 700 feet of six-inch water main to replace the existing two-inch water main in Ravenwood Drive from Melbourne Road, northward to southern boundary of the Grove Subdivision.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $5,854.36.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Daisy M. Coy	1	0015359	1	90.0	$437.40
Robert L. Hendrix	2	0030107	2	90.0	437.40
Daylene & Shirley Page	3	0052569	3	90.0	437.40
Lester C. Ulberg	4	0071955	4	90.0	437.40
Elliott G. Honeycutt	5	0032802	5	90.0	437.40
John & Mary Candler	6	0011253	6	90.0	437.40
Marjory A. Koehler	7	0036203	7	90.0	437.40
Fred & Janet Knott	9	0039763	9	112.5	546.75
James & Margaret Clyburn	10	0013605	10	90.0	437.40
Hugh P. Massengill	11	0044664	11	90.0	437.40
James & Georgia Casler	12	0039762	12	90.0	437.40
J. Nelson & Margaret Pittman, Jr.	13	0055673	13	90.0	437.40
Sterling A. Beaver & Wife	14	0005374	14	102.1	496.21

Cost Per Foot: $4.86

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 997 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 6th day of September, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 8/2/83

TAXES - REFUNDS AND REBATES - APPROVED - RESOLUTIONS ADOPTED

The Deputy Clerk reported Council Members received two proposed resolutions in their Agenda packets relating to rebates and/or refunds of taxes. She indicated approval is also recommended for the listing as submitted by the Wake County Tax Supervisor for refunds made during April and May for clerical purposes.

Mr. Jordan moved approval of the resolutions as submitted and approval of the listing. His motion was seconded by Mr. Walters with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 316

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the property tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true and that the same should be allowed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1982	ADABA & Associates	01-1-5209855-82	$ 64.59	Error-Illegal Billing
1981	ADABA & Associates	01-1-5209855-81	60.38	Error-Illegal Billing
1982	Kelly Jr., Paul Eugene	01-2-5843201-82	19.13	Error-Illegal Billing
1982	Mozingo, Foy Ezzell	01-8-5849956-82	4.55	Error-Illegal Billing
		Interest	.16	
1982	Mozingo, Foy Ezzell	01-2-5849955-82	33.03	Error-Illegal Billing
		Interest	1.16	
1982	Davenport, Bruce Kirk	01-8-5829800-82	13.81	Error-Illegal Billing
1982	Faber, Nicholas J. Jr., & Betty L.	01-8-5233253-82	17.95	Error-Illegal Billing
1982	Hinton, Gene R. & Dorothy L.	01-2-0002330-82	278.95	Error-Illegal Billing
1981	Hinton, Gene R. & Dorothy L.	01-2-0002330-81	274.42	Error-Illegal Billing
1980	Hinton, Gene, R. & Dorothy L.	01-2-0002330-80	254.69	Error-Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 8/2/83

RESOLUTION NO. (1983) 317

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105331, a ten percent penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners have shown to the satisfaction of the City Council that their failure to list on time was excusable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the ten percent penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1983	Paul Fitzgerald	01-2-0022512	$ 1,290	Relieved
1983	Geological Resources Inc.	01-1-5010653	1,972	Relieved
1983	Chocolate Chips of North Hills, Ltd.	01-1-5249100	40,112	Relieved
1983	Eastern Airlines, Inc.	01-1-5008413	7,536	Relieved
1983	Eastern Airlines, Inc.	05-1-5008414	482,484	Relieved
1983	Linda Silber & Assoc.	13-1-5238210	31,061	Relieved
1983	Carolyn Linda Silber	01-7-5249109	32,324	Relieved
1983	Carolyn Linda Silber	01-7-5249106	22,891	Relieved
1983	Carolyn Linda Silber	01-7-5249103	8,423	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1983	Burgin-Kreh Associates	$ 19,837
1983	E.F.M., Inc.	20,190
1983	Sealed Air Corporation	2,510
1983	Sealed Air Corporation	1,694
1983	Sealed Air Corporation	816
1983	Sealed Air Corporation	1,226
1983	Sealed Air Corporation	2,138
1983	Sealed Air Corporation	9,077
1983	Mark A. Angotti, Inc.	29,936
1983	Chamblee's, Inc.	213,462
1983	Chamblee Copy Centers, Inc.	41,920
1983	Michelle Masson	7,165

Section 3. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 8/2/83

SALE OF PROPERTY - LOT 219 ATWATER STREET - APPROVED - RESOLUTION ADOPTED

The Deputy Clerk reported it is recommended that a resolution authorizing the sale of Lot 219, Atwater Street, to Joe Seigler for $3,500 be adopted. She noted the Council declared this surplus property on July 6, 1982, and proper procedures have been completed.

Mr. Jordan moved adoption of the resolution authorizing the sale of the property. His motion was seconded by Reverend Calloway with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 318

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired certain real property, said property being described more fully as follows:

Atwater Street - Lot 219
Tax Overlay 521

WHEREAS, Joe Siegler has offered to purchase said property for the price of $3,500; and

WHEREAS, Chapter 160A-266 et seq., of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

1. That the City Council, on August 2, 1983, ascertained that all requirements of Chapter 160A-266 et seq., have been followed in the proposed sale of the above-described property.

2. That the City of Raleigh will sell the hereinbefore described property to Joe Siegler for the sum of $3,500.

Adopted: 8/2/83

ADJOURNMENT

Mayor York ruled the meeting adjourned at 3:05 p.m. to be reconvened at 7:00 p.m.

Brenda Anderson
Deputy City Clerk

mm/sp2(1)

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, August 2, 1983, at 7:00 p.m., in the City Council Chamber, Room 315, of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

The Mayor called the meeting to order and the following items were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

STREET IMPROVEMENTS - LAKE WHEELER ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

Mrs. Nell Hollifield was present to request a delay in the installation of curbs and gutters until improvements to Lake Wheeler Road are made.

Mrs. Hollifield indicated she has 1.8 acres and would like to give her daughter one-half acre to build a home. She indicated as a result of checking into this, she found she would be required to install curbs and gutters in order to build a house in this location, and the rest of the property in this area does not have curbs and gutters.

Mr. Jordan suggested that this item be placed in the Law and Finance Committee. City Manager Zachary indicated he had received a memo from Planning Director Chapman, noting this street fronts on a major thoroughfare and has direct access to the thoroughfare, and the Code requires these improvements. Mr. Walters indicated several of the Council Members had discussed this with Mrs. Hollifield and was not sure she realizes this is not like paying for curb and gutter assessments, and there is quite a bit of money involved, and she would be responsible for the total bill. He indicated if it is deferred, it would have to be paid later. He noted Mrs. Hollifield should understand the full implication of subdividing this land. He noted if the property faces the street, and she desires to subdivide, she has to pay for these improvements. He reiterated this can be very expensive.

Mr. Edwards indicated his firm did the work on this, and when it comes back for a vote, he would request to be excused from voting on this item. He indicated he did not believe the policy the City has was intended to be on items such as these.

Without objection, this item was referred to the Law and Finance Committee.

ANNEXATION - GREYSTONE VI - CLERK DIRECTED TO CHECK SUFFICIENCY

A petition has been received for the contiguous annexation of Greystone VI, and if the Council so desires, it is recommended that the City Clerk be directed to check the sufficiency of the petition and schedule a public hearing if the petition is found to be sufficient.

Without objection, the Clerk was directed to check the sufficiency of the petition.

SIGN INSTALLATION - 1408 HILLSBOROUGH STREET - REFERRED TO LAW AND FINANCE COMMITTEE

E. A. Britt, President of AFL-CIO, was present to discuss a problem with the proposed sign at 1408 Hillsborough Street. He presented a picture of the proposed sign and indicated this item came before the Board of Adjustment and involved two items--a sign and a monument, noting the monument related to the Marion tragedy in 1929. He presented to Council Members a booklet containing a resolution submitted by Locals 2589 and 2598 of the United Textile Workers of America. He noted the monument is to be to the Workers of America and would be a memorial to the people killed in 1929. He indicated this was denied by the Board of Adjustment as they are not thirty feet from the public right-of-way. He indicated the North Carolina AFL-CIO would not do anything to embarrass the City or the State, noting they have purchased this property and have renovated it, and it is an asset to the City. He indicated they have made application to the Historical Society, noting he would like to put the memorial twenty-seven feet from the right-of-way, and the sign would be closer than that. City Manager Zachary reported a ground sign must be set back thirty feet, and the memorial and sign were denied by the Board of Adjustment.

City Attorney McCormick indicated the Board of Adjustment could have varied the requirements, but it was their decision to deny the request, and the Council cannot overrule the Board as it is a quasi-judicial Board. He noted the next step of appeal would be to the courts.

Mr. Jordan suggested that this item be placed in the Law and Finance Committee, and without objection, the item was so referred.

SIDEWALK INSTALLATION - SIX FORKS ROAD - NO ACTION TAKEN

Joe Perry-Hill, 3420 Bellevue Road, indicated there is a severe problem for pedestrians on the southwest side of Six Forks Road due to the steepness of the embankments plus the overgrowth forces pedestrians to walk at the curb and occasionally to step into the street. He presented a map, noting the area in yellow is the proposed sidewalk on Six Forks Road from K-Mart Plaza at Wake Forest Road to North Hills Shopping Center, the area in green is the steep embankment dropping approximately twenty feet from the street level, and the area in red is the steep embankment rising some fifteen feet from the street level. He indicated the embankment and overgrowth also create a problem for drivers coming out of Rock Creek, Browning and Coleridge Drives, since it obstructs their view of traffic on Six Forks Road. He indicated in the section shown on the map, the southwest side of Six Forks Road adjoins a residential area, while the other side of the road is largely commercial development. He noted based on the wear on the paths, the majority of pedestrian traffic is on the residential side of the road. He asked that the Council consider putting the sidewalk on the southwest side of this section of Six Forks Road.

Mr. Jordan indicated that side of Six Forks Road referred to is where the path is located. Mr. Edwards indicated the question of sidewalks along that area was in the Public Works Committee, and the Committee and Administration looked at this extensively. He indicated one reason the sidewalk was not put on that location was due to the excavation and sloping problems. He indicated it would have been ideal to put the sidewalks on both sides of the street, but it was a matter of determining which side would best serve the general public and take into consideration damage to the property owners. He indicated he would be glad to refer this into the Public Works Committee and explain to him the reasons for it, noting a great deal of study was done on this item. Mayor York indicated the object of placing the sidewalks in the location they are proposed is to get the people on the other side of the street to use the sidewalks. Mayor York indicated the contract has already been let and is underway. He indicated he would encourage the people to use the sidewalk since it is more dangerous to use the other side of the street.

Mr. Edwards agreed there is an area that has a foot path and noted the sidewalk as proposed would be coming up as far as possible on one side and then start in on the other side, and it was felt this was the best way to handle the pedestrian traffic. He indicated the sidewalk funds are almost exhausted as well. He indicated the Committee felt and he, as a Council person and an engineer, felt the greatest number of people would be served with the sidewalks where they are located. Mayor York indicated the proposed sidewalks would be an improvement over the existing situation, noting the Council would take comments made under advisement.

No action was taken on this item.

SWIMMING POOLS - RIDGE ROAD AND BILTMORE HILLS - REFERRED TO LAW AND FINANCE COMMITTEE

Perry R. Safran, Suite 203, 16 West Martin Street, was present representing Clancy and Theys Construction Company. He noted he was present to speak regarding their project under contract with the City for construction of the swimming pools at Ridge Road and Biltmore Hills. He introduced Mr. E. I. Clancy, Mr. Jeff Theys and David Bennett of the company. Mr. Safran made the following statement:

> "My purpose here tonight is to bring you up to date on certain developments in the project that could involve your consideration. Perhaps a little history would be beneficial at this point. Since the beginning of the project, there have been four executed and accepted change orders under the contract. Since that time, certain other developments have forced the contractor to make requests of the engineer for additional compensation and time. Today, no opinion has been rendered by the engineer concerning these requests.
>
> On July 15, 1983, the contractor made a final request of the engineer for a written decision on these proposed and pending change orders. Copies of that request, along with attachments which were a complete history of the change orders on the job, were provided to certain staff members, as well as certain members on the Council. I have with me tonight additional copies of that request with attachments for those of you on the Council who might not have received a copy. I will pass those out at the conclusion of my remarks. To date, the engineer has not responded to our final request for a written decision on these proposed and pending change orders. Pursuant to contract specifications, arbitration can be made at the conclusion of ten days after a final written request is made of the engineer. Accordingly, this day a demand for arbitration was made by Clancy and Theys Construction Company against the City of Raleigh for those proposed and pending change orders. Additionally, the demand for arbitration which was served upon the City Attorney, Tom McCormick, Clancy and Theys reserved their rights for any future changes or requests for time extension. Copies of that demand for arbitration are available at the discretion of the City Attorney.
>
> All of this may sound as if we are asking you tonight to make a decision on these change orders. That is not the case. The dispute resolution process as provided by the rules for arbitration are a fair and reasonable method for deciding conflicts. What we do want you to consider tonight is that

certain statements made by the engineer to the public via the newspaper and TV do not provide the whole picture of the status of the project. For example, the engineer indicated in statements made to newspapers, specifically The Raleigh Times and The News and Observer, that Clancy and Theys would never be paid more than $29,500 for change orders. We believe that such a statement was inappropriate inasmuch as this City Council is charged with making change order decisions. Furthermore, in a TV interview before WRAL, Channel 5, the engineer indicated that he had given written instructions to the contractor for the solution of certain soil problems at the Ridge Road location. Please know that those written instructions came only after demand had been made by the contractor that instructions be given so that work would not come to a standstill in the area where poor soils were encountered. Furthermore, in that same TV interview, the engineer intimated that the soil conditions which were hampering the project were caused by certain actions of a contractor. That simply is not the case. The engineer specifically referred to impoundment of water by the contractor which was causing the soils to become unacceptable for permanent construction. The contractor has complied, and is complying, with the engineer's instructions and the contract documents for surface drainage of water. Indeed, soil erosion control ordinances require that certain silt pits be constructed so as to retain silt from surface drainage. These silt pits are necessary so as to protect adjoining properties. At the Ridge Road location, the lower silt pit is the only episode of impoundment of surface water that has occurred. By constantly reworking the surface ditches at the direction of the engineer, the silt pit has become elongated in the direction of the service drive. While I understand that this has become technical in nature and I did not want to get bogged down in that, I did want to let you know that the impounding of water at the Ridge Road site is not the cause of poor soil conditions. Indeed, ordinances and the contract documents require certain amounts of impoundment. It might best be said that the issue is not as clear and straightforward as you might interpret from a TV interview with the engineer.

In conclusion, let me repeat again that total resolution of the problem in the construction of the swimming pools at Biltmore Hills and Ridge Road will only come after a complete hearing by this City Council and possibly a panel of impartial arbitrators. Our purpose tonight was merely to provide information to this Council in response to public statements made by the engineer about the project. Please know that progress on the pools is being maintained.

Lastly, you need to know that we have every confidence in Ezra Meir as the engineer for this project. Nothing has happened to indicate to us that he and his association are not capable of resolving the engineering problems facing the project today. Our remarks should not be interpreted as an indictment of either him or his methods. What we are asking for are written responses now to our requests for time extension and additional compensation due to the changes encountered in the construction of the project."

Mayor York indicated the Council has not acted on the change orders referred to and felt at some point, the change orders would be brought to the Council. Mr. Safran indicated as far as Clancy and Theys' contract is concerned, technically they are in breach. He noted he read in the newspaper that their contract has been extended through August and questioned if that is true. Mayor York indicated he did not think the Council has taken action on the pools since the contract was awarded and felt this is an administrative matter.

City Manager Zachary indicated the Council had taken action on the change orders presented to them, and he was working with Clancy and Theys and the engineer up to the point where Clancy and Theys employed an attorney and felt they should take the problems relating to the attorney's scope to the City Attorney.

Mayor York reiterated the Council has not turned any of the change orders down and indicated the Council knows Mr. Safran has a very fine client in Clancy and Theys and knows they are doing the best they can.

City Attorney McCormick indicated his office has had several meetings with them and, on several occasions, thought the problems were resolved, but apparently they are not. He indicated the way the contract is written, the Council has to agree to arbitration and suggested placing this in Committee so the Committee can review with him and Administration whether we want to agree to arbitrate or force the matter to some other path of resolution for report back to the Council at the next meeting.

Mr. Jordan moved that the issue of possible arbitration and resolving the change orders relating to the two pools be referred to the Law and Finance Committee. His motion was seconded by Reverend Calloway and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

MATTERS SCHEDULED FOR PUBLIC HEARING

UNSAFE BUILDING - 20 ST. AUGUSTINE AVENUE - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider adoption of an ordinance declaring the dwelling at 20 St. Augustine Avenue unsafe and directing that it be demolished. The property is in

the name of Eleanora White, Heirs. The Inspections Division's efforts to notify the owner have been unsuccessful; therefore, notice was by publication in The Raleigh Times.

Mr. Bartholomew indicated this is an unusual situation as it is an unsafe building for demolition, and the owner could not be notified. He noted the building is vacant and open, and there are people in it day and night. He noted they advertised in the paper for demolition and recommended adoption of an ordinance for demolition as no one has notified his office regarding the property. He indicated there was a distant relative in New York, but the Department has been unable to find the relative. He indicated this is the first case of this type that has been before the Council for demolition, and the property owner could not be notified. He noted this is within the City Council's guidelines and the Code. He indicated a cousin is paying the taxes on the property, and his Department contacted the cousin, and she stated she would pay the taxes, but she could not make the repairs or demolish the dwelling.

Mayor York declared the hearing open.

No one was present to speak regarding this item; therefore, the hearing was closed. Reverend Calloway moved that this item be placed in the Public Works Committee. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

PUBLIC NUISANCE ABATEMENT - 728 WALSER PLACE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges in the amount of $240 for abatement of public nuisances against 728 Walser Place. The Inspections Division was unable to obtain ownership of the property; therefore, notice was by publication in The Raleigh Times.

Housing Inspector Bartholomew indicated this is a vacant lot, and there is no ownership on this property, and there is no deed or taxes being paid on it.

Mayor York declared the hearing open.

No one was present to speak on this item, thus, the hearing was closed.

Mr. Walters moved adoption of the resolution confirming the charges. His motion was seconded by Ms. Babb with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. (See Resolution 319.)

PUBLIC NUISANCE - 621 WEST LENOIR STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges in the amount of $173.08 against 621 West Lenoir Street for abating nuisances at that location. The property is in the name of the H. Leonard Morgan, Heirs. The Inspections Division's efforts to notify the owner failed; therefore, the notice was by publication in The Raleigh Times.

Mr. Bartholomew explained they have the owners name from High Point, North Carolina; however, the City has received no response from them, noting it was also advertised. He noted this is scheduled to be sold in August, and these charges will be added to it, and if the City takes control of this property, it will be back on the market to utilize the land.

Mayor York declared the hearing open.

No one was present to speak regarding this item, thus, the hearing was closed.

Mr. Upchurch moved adoption of the resolution confirming the charges. His motion was seconded by Mr. Edwards with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) 319

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Unknown	728 Walser Place ID #0103547	$240.00
H. Leonard Morgan, Heirs	621 West Lenoir Street ID #0048971	$173.08

Section 3. That this resolution shall become effective August 2, 1983.

Adopted: 8/2/83

ANNEXATION - FARMINGTON WOODS - APPROVED - ASSIGNED TO COUNCIL DISTRICT C

This was a hearing to consider the contiguous annexation of Farmington Woods, Phase II, Section 1, pursuant to petition, advertisement, and notification as required by law.

It was noted if the annexation is approved, it would be recommended the effective date would be August 31, 1983, and the area should be assigned to Council Electoral District C.

Planning Director Chapman pointed out the location on a map available at the meeting, noting it consists of thirteen acres divided into forty-four single-family lots, noting the property is not occupied at this time. He indicated it does propose relying on City utilities, and there has been no objection to this annexation from City Departments.

Mayor York declared the hearing open.

Bill Goodwin, 2718 Rock Quarry Road, indicated he is the developer and was present to answer any questions.

Mayor York declared the hearing closed.

Mr. Upchurch MOVED APPROVAL OF THE ANNEXATION EFFECTIVE AUGUST 31, 1983, AND THAT THE AREA BE ASSIGNED TO COUNCIL ELECTORAL DISTRICT C. His motion was seconded by Ms. Babb with a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 164

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS FARMINGTON WOODS, PHASE II, SECTION I

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on August 2, 1983, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of August 31, 1983:

FARMINGTON WOODS - PHASE II, SECTION I

Beginning at a point in the existing (7-1-83) Raleigh City Limits, said point being South 82°30'50" East 200.00 feet from a point on the eastern right-of-way of Creech Road, this point being 1695.5 feet in a southerly direction from Rock Quarry Road; thence leaving said point of Beginning and said City Limits with the W. E. Goodwin line the following courses and distances: South 82°30'50" East 805.00 feet, South 03°05'38" West 397.44 feet, South 01°17'13" West 115.0 feet, North 88°13'53" West 86.18 feet, North 66°45'50" West 145.00 feet, North 23°14'10" East 16.74 feet, North 66°45'50" West 100.00 feet, South 63°02'30" West 39.05 feet, South 27°22'50" West 150.32 feet, South 44°54' West 257.50 feet, South 16°23'08" West 152.89 feet to a point in the J. K. Creech line; thence with the J. K. Creech line North 8°10'40" West 248.00 feet to a point in the Farmington Woods Subdivision, Section I line, said line being in said existing City Limits; thence with said line and said existing City Limits the following courses and distances: North 01°53'10" East 427.26 feet, North 07°29'10" East 527.00 feet to the point of Beginning and containing

13.01 acres, according to a map entitled, "Annexation Map, Farmington Woods - Phase II," by Walter B. Bunn, R.L.S.-D-1078, dated June 14, 1983.

Section 2. It being understood and agreed that the developer will, at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective August 31, 1983.

Adopted: 8/2/83

Effective: 8/31/83

RESOLUTION (1983) 320

A RESOLUTION TO AUTHORIZE THE INCLUSION OF FARMINGTON WOODS, PHASE II, SECTION I, IN CITY ELECTORAL DISTRICT C

WHEREAS, the City Council of the City of Raleigh did, by Ordinance (1983) 164, adopted on August 2, 1983, annex a parcel of land being commonly known as Farmington Woods, Phase II, Section I; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District C is the logical place to assign this annexation due its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the area known as Farmington Woods, Phase II, Section I, as described in Ordinance (1983) 164, be added to City Electoral District C.

Adopted: 8/2/83

ANNEXATION - THORPSHIRE FARM SUBDIVISION - APPROVED - ASSIGNED TO COUNCIL ELECTORAL DISTRICT A

This was a hearing to consider the contiguous annexation of property known as the Thorpshire Farm Subdivision, pursuant to petition, notification, and advertisement as required by law. It was noted if the property is annexed, it is recommended that the effective date be August 31, 1983, and the area should be assigned to Council Electoral District A. Planning Director Chapman pointed out the location on a map available at the meeting, noting this is a subdivision recently approved by the Council in connection with Perry Creek policy, and there has been no objection expressed by the Department Heads.

Mr. Edwards indicated this is a project which his firm is working on and requested that he be excused from voting on the item. Without objection, Mr. Edwards was excused.

Mayor York declared the hearing open.

No one was present to discuss the item.

Mayor York declared the hearing closed.

Mr. Jordan MOVED APPROVAL OF THE ANNEXATION TO BECOME EFFECTIVE AUGUST 31, 1983, AND THAT THE AREA BE ASSIGNED TO COUNCIL ELECTORAL DISTRICT A. His motion was seconded by Reverend Calloway with a roll call vote resulting as follows: Ayes - Mr. Walters, Ms. Babb, Reverend Calloway, Mr. Jordan, Mr. Keller, Mr. Upchurch; Noes - none (Mr. Edwards excused from voting). THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 165

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS THORPSHIRE FARMS SUBDIVISION

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on August 2, 1983, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of August 31, 1983:

Beginning at a point in the existing Raleigh City Limits (7-1-83), said point being in the northwestern right-of-way of Falls of Neuse Road (S.R. 2000); thence leaving said City Limits northeasterly with said northwestern right-of-way 745 feet ± to its intersection with the southern line extended of J. W. Culbertson, said line also being the northern line of Joe H. Holmes as shown on a map entitled, "Property of Joe H. Holmes, Raleigh, North Carolina," recorded in Book of Maps 1982, Page 929, Wake County Registry; thence with said northern line extended of Joe H. Holmes as shown on said recorded map the following courses and distances: South 56°50'05" East 696 feet ±, South 47°05'00" East 647.81 feet, North 82°11'05" East 910.81 feet, North 03°58'45" East 174.91 feet, North 03°42'30" East 441.13 feet, South 87°45'57" East 1,047 feet ± to a point in the western right-of-way of Litchford Road (S.R. 2012); thence southerly with said western right-of-way 435 feet ± to the northern line of a 2.30 acre out parcel shown on a map entitled, "Property of Joe H. Holmes, Raleigh, North Carolina Release Map," by John A. Edwards and Company, Consulting Engineers, dated January 19, 1983; thence with the boundaries of this out parcel the following courses and distances: North 72°10' West 314 feet ±, South 18°43'46" West 286.66 feet, South 70°45' East 314 feet ± to the western right-of-way of Litchford Road; thence southerly with said western right-of-way 110 feet ± to the southern line of the property of Joe H. Holmes as shown on a map entitled, "Property of Joe H. Holmes, Raleigh, North Carolina," recorded in Book of Maps 1982, Page 929, Wake County Registry; thence with said southern line as shown on said recorded map the following courses and distances: South 77°14'59" West 1,097 feet ±, South 04°37'49" West 723.12 feet, North 86°24'26" West 796.09 feet to the northwesternmost corner of North Ridge Subdivision, said point also being in said existing City Limits; thence continuing with the Holmes Property as shown on said recorded map (B.M. 1982, P. 929) and said existing City Limits the following courses and distances: North 87°13'39" West 1,432.62 feet, South 02°36'57" West 98.89 feet, North 86°00'17" West 236.33 feet, North 01°50'05" East 1,368 feet ± to the point of beginning and containing 100.02 acres.

Section 2. It being understood and agreed that the developer will, at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County and in the Office of the Secretary of the State of North Carolina.

Section 4. That this ordinance shall become effective August 31, 1983.

Adopted: 8/2/83

Effective: 8/31/83

RESOLUTION NO. (1983) 321

A RESOLUTION TO AUTHORIZE THE INCLUSION OF THORPSHIRE FARM SUBDIVISION IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 165, adopted on August 2, 1983, annexed a parcel of land being commonly known as Thorpshire Farm Subdivision; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the area known as Thorpshire Farm Subdivision as described in Ordinance (1983) 165 be added to City Electoral District A.

Adopted: 8/2/83

ASSESSMENT ROLLS 679, 680 and 995 - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming the charges for certain local improvements in the City of Raleigh as outlined.

Paving AR-679 - Dover Road according to charts as outlined in Resolution 1983-285, adopted on July 5, 1983. No one asked to be heard.

Paving AR-680 - Jackson Street according to charts as outlined in Resolution 1983-284, adopted July 5, 1983. No one asked to be heard.

Sewer AR-995 - Rock Quarry Road according to charts as outlined in Resolution 1983-287, adopted on July 5, 1983. No one asked to be heard.

Mr. Jordan moved adoption of a resolution confirming charges as outlined. His motion was seconded by Reverend Calloway, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 322

A RESOLUTION CONFIRMING SPECIAL PAVING AR-679, SEWER AR-995, AND PAVING AR-680

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 2nd day of August, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. (1983) 285, 287 and 284 adopted on the 5th day of July, 1983, which assessments appear on "The City of Raleigh Special Paving AR-679, Sewer AR-995 and Paving AR-680," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 8/2/83

TELECOMMUNICATIONS TOWER INSTALLATION - STRICKLAND ROAD - APPROVED WITH CONDITIONS

This was a hearing to consider an application from Southern Bell to erect a 137-foot antenna and support pole on Southern Bell property, located at 9715 Strickland Road. Mayor York indicated this is the first hearing under the new ordinance. Planning Director Chapman explained this is the first request the Council has had and presented Council Members with a memorandum evaluating the request, noting the Council had also received copies of the text change which set up the review process. He noted the Council is in the process of holding the hearing in order to decide whether to issue the permit for such a facility. He reported the staff has reviewed the request to allow the construction of the 137-foot telecommunications tower, noting the site is zoned Residential-4 as is the property to the rear of this site and to the west and north. He indicated the adjacent property could be easily zoned for nonresidential uses. He explained the recent Code amendment allows this use if nine conditions are met. The memorandum listed the findings for each of the nine conditions based on current evidence given to staff by Southern Bell and field investigations. The conditions and findings are as follows:

1. Radio or television or similar reception for adjoining residentially zoned properties will not be disturbed or diminished.

   Finding - This concerns disruptions or interference with radio and television reception. There is no evidence given concerning this item. It should be the responsibility of the applicant to provide this information.

2. The height of the tower does not exceed 450 feet.

   Finding - Conforms.

3. The lighting of the tower does not exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system contained in Advisory Circular No. 70-7460-IF, dated 27 September, 1978, and the same may be amended.

   Finding - Conforms.

4. The minimum yard setback from the outside dimensions of the tower, not from guy anchors, to any adjoining lot zoned nonresidential, or nonresidential lot across a public street, is twenty feet. The minimum yard setback from the base of the tower, not from guy anchors, to any adjoining lots zoned residential or residential lot across a public street is fifty percent of the tower height. The provisions in this subsection are supplemental to the yard regulations in Section 10-2062 and do not lessen or diminish those regulations.

   Finding - Conforms.

5. The base of the tower and each guy anchor are surrounded by a fence at least eight feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. If the tower is located on a lot which adjoins a residential zoning district, then the fence, except for entrances, shall be screened by a vegetative cover which uniformly reduces the horizontal view of the fence from abutting lots zoned residential and lots zoned residential across public streets by at least seventy-five percent within three years or less of the installation of the improvement (cross reference - Fence Requirements, Subsection 10-2074[b]).

   Finding - This condition and No. 6 concern landscaping and screening from adjacent residential zoned property. The landscaping plan does not provide for landscaping material around the front of the tower; however, the existing structure does screen this area from the right-of-way. The three other sides are screened by existing trees on the site. if the applicant guarantees that these trees are not removed.

6. The area adjoining street rights-of-way is landscaped within a depth not to exceed twenty feet from the edge of the right-of-way by at least one tree for every forty linear feet of right-of-way frontage. Said tree shall be a locally adapted plant of a minimum of two-inch trunk caliper and fifteen feet in height and will reach a height of at least sixty feet in twenty-five years; existing trees on the site which are preserved and maintained and which meet the standards herein may be used to comply with this subsection. If the tower is located on a lot which adjoins area residential zoning district, then any perimeter of the site which adjoins other lots zoned residential shall contain a twenty-foot wide treescaped yard area with one tree within each forty linear feet of contiguity.

   Finding - Requires trees every forty feet along rights-of-way and along residentially zoned property. There are no trees along the right-of-way that meet the condition and only one-half of the western property line conforms to the item.

7. The exterior appearance of all building structures located in a residential zoning district look like a residential dwelling, including without limitation: pitched roof(s) and frame or brick veneer construction.

   Finding - Not applicable, existing structures not related to tower.

8. Associated building structures located in residential zoning districts may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

   Finding - Not applicable, existing structure not related to tower.

9. The use will not be detrimental or injurious to property values of the surrounding neighborhood.

   Finding - If the site plan conforms to the other eight requirements, in the staff's opinion, there should not be any adverse impacts to surrounding property values.

In summary, Mr. Chapman indicated the staff finds that this request does not conform to three of the nine requirements as stated in the Code.

Mr. Chapman explained their proposal is to construct an antenna facility located to the rear of the building away from Strickland Road frontage.

Mr. Edwards questioned if Administration feels in this case they meet the intent in No. 5. Mr. Chapman indicated he feels the intent is met in this case with No. 5 since the building would block the tower on this side. Mr. Chapman indicated the main problems are with Item No. 1 and Item No. 6.

Mayor York declared the hearing open.

Brenda Starnes was present representing Southern Bell and introduced Mike Robinson and Joe Brown, the Transmission Engineer. She presented a letter from R. D. Hoke, Manager--Radio, which stated:

> "Southern Bell Telephone Company has proposed locating a paging radio transmitter on Southern Bell property at the Six Forks Telephone Central Office, Raleigh, North Carolina. The radio frequency (RF) used will be

931.0875 MHz. This radio frequency has been assigned for Southern Bell use by the Federal Communications Commission (FCC).

The 900 MHz RF band was specially assigned for paging radio services by the FCC. It is displaced far from radio and television broadcast frequencies. The Motorola transmitter planned for this service has a frequency stability of .00002 percent. RF output power will be less than the maximum 1,000 watts effective radiated power allowed by the FCC.

The 931.0875 MHz frequency to be used at the Six Forks site will not present any interference into radio, television or similar RF reception for adjoining residentially zoned property. Radio, television or similar RF reception will not be disturbed nor diminished for any reason related to the Southern Bell Telephone Company's paging radio system."

Ms. Starnes indicated she felt the letter explained that they would conform to Item No. 1. She indicated the original assumption was they would not need screening around all four sides. She felt in reading the ordinance, it looks like it may have been designed for instances where you are purchasing property and subdividing it. She felt the building on the northernmost side will camouflage the remaining side. In regard to screening around the entire lot, she noted the building existing is landscaped and has crepe myrtles. She felt to screen that entire lot would be detrimental to the existing facility and not meet the objectives of the ordinance. She presented photographs of the front of the lot, noting what is existing there now and the vegetation to the rear of the lots. She noted the trees currently existing are very large. She noted support for the antenna will be ninety-eight feet from either lot line. She presented photographs of the facility located in Reidsville, North Carolina, which would give an idea of what the facility would look like. She indicated she is requesting a change from the original request, noting her department had asked her to request a 145-foot antenna in order to allow them to place the antenna in order to handle paging service and their own internal communications with their own vehicles. She indicated this could be done with the same antenna with an additional six feet in height. She noted this is a tubular steel pole and explained how the pole is erected. She indicated it would be unlighted and would be left steel gray which blends in with the background. She indicated the height of the pole in the picture which is located in Reidsville is 150 feet in height, and they are requesting a 145-foot pole.

City Attorney McCormick indicated there is no allowance for varying any of the requirements, and the Council must find that it meets all requirements or deny the request.

Joe Brown explained the antenna would be only for receiving transmittals and has no possibility of interfering and would be unlit. He indicated this was also to be used for their improved mobile telephone service, noting the pole for this service is presently located on the next State road over from the one in question, and they would like to confine that facility in order to get out of having two separate facilities in this location. He indicated it would not be possible for this to cause interference problems.

Mr. Upchurch questioned if this facility could be converted to transmit as well as receive signals. Mr. Brown indicated it could be converted, but they do not plan to do that.

Mayor York indicated Nos. 1, 2, 3 and 4 conform to the ordinance. Mr. Walters indicated he felt Items 5 and 6 conform with the intent and did not think there would be a problem with them since the building is much larger than the facility and felt it would be adequately screened. Ms. Babb questioned if there is a written statement indicating Southern Bell would not remove these trees. Mayor York indicated this could be part of the conditions. Mr. Brown indicated the only trees that will be removed are the trees necessary to construct the facility, noting the trees range from ten feet to twenty feet, and the ones behind the building average fifty feet to sixty feet.

Planning Director Chapman explained the difference between Items 5 and 6, noting No. 5 is a screening requirement if you look at the facility at a horizontal view and felt the existing vegetation and building itself perform that function. He noted No. 6 relates to peripheral screening requirements designed so a person standing or moving on the right-of-way or on adjacent residential property, when looking up at the tower would have the view screened. He noted this is the one screening condition that Administration felt has not been met, and it can be met with the placement of trees at forty-foot intervals on areas outlined in orange on the map available at the meeting. It was noted it would probably take a total of ten trees to perform this function. Mr. Brown indicated he could see no problem with the planting of trees. Mr. Brown further noted the tower could be painted a light dove gray and noted when this is done, in viewing the towers from a distance, they seem to vanish.

Mr. Keller indicated the planting of ten loblolly pine trees would not be very expensive, and they are fast growing, and they would meet the requirements. Mr. Edwards suggested making this a part of the conditions for approval.

Following brief discussion, Mr. Keller MOVED APPROVAL OF THE 145-FOOT TOWER WITH THE CONDITION FOR NO. 6 INVOLVING THE PLANTING OF TEN LOBLOLLY PINES PLACED ALONG THE TWO DESIGNATED CORRIDORS SPACED FORTY FEET ON THE CENTER. His motion was seconded by Ms. Babb and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

Ms. Babb indicated she felt all the Council remembers when this item was in Committee, there was quite a bit of discussion about it, and there was a feeling on the part of the citizens that these communication towers were not very desirable. She indicated the Council took the position if you live in an urban area and in the 20th Century, we need to be able to respond to the needs of these towers; however, the Council was pretty adamant with the citizens that were concerned that there would be adequate protection. She felt the Council must keep good faith with those citizens and that the Council would remain vigilant with these requests.

RALEIGH BELTLINE - PROPOSED NAMING - CONCURRENCE BY COUNCIL EXPRESSED

Mayor York indicated Mr. Rose of the State Department of Transportation called him approximately ten days ago about the intent of the State to name the two sections of the Beltline for Cliff Benson and the other section for Tom Bradshaw. Mr. Rose requested that Mayor York bring this to the Council to determine if the Council had any objections. He indicated this item has gone before the Wake County Commissioners, and they have spoken to this, and it has also been in the media. He noted the two proposed names are Cliff Benson Boulevard and Tom Bradshaw Freeway.

Mr. Edwards MOVED THAT THE COUNCIL CONCUR WITH THIS PROPOSAL MADE BY THE STATE. His motion was seconded by Reverend Calloway and unanimously passed. THE MAYOR RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Brenda Anderson
Deputy City Clerk

mm/sp4(1)